COMMISSION ON HUMAN RIGHTS

REPORT ON THE FIFTY-EIGHTH SESSION

(18 March - 26 April 2002)

PART II*

(for use by members of the Economic and Social Council during its 2002 substantive session)

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* Parts I-II will subsequently be published in a single volume, as the *Official Records of the Economic and Social Council, 2002, Supplement No. 3*. The text of Part II hereafter is reproduced as adopted *ad referendum* by the Commission.

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III. Organization of the work of the session

A. Opening and duration of the session

1. The Commission on Human Rights held its fifty-eighth session at the United Nations Office at Geneva from 18 March to 26 April 2002. It held 58 meetings (see E/CN.4/2001/SR.158) during the session.

2. The session was opened by Mr. Leandro Despouy, Chairperson of the Commission at its fifty-seventh session, who made a statement.

3. At the 1st meeting, on 18 March 2002, Ms. Mary Robinson, United Nations High Commissioner for Human Rights, made a statement.

B. Attendance

4. The session was attended by representatives of States members of the Commission, by observers for other States Members of the UnitedNations, by observers for non-member States and Palestine and by representatives of the specialized agencies, regional intergovernmental organizations, other entities, national human rights organizations and nongovernmental organizations. An attendance list is given in annex II to the present report.

C. Election of officers

5. At its 1st meeting, the Commission elected the following officers by acclamation:

Chairperson: Mr. Krzysztof Jakubowski (Poland)

Vice-Chairpersons: Mr. Walter Lewalter (Germany)
Mr. Sipho George Nene (Republic of South Africa)
Mr. Toufik Salloum (Syrian Arab Republic)

Rapporteur: Mr. Frederico Duque Estrada Meyer (Brazil)

D. Agenda

6. Also at its 1st meeting, the Commission had before it the provisional agenda of the fifty-eighth session (E/CN.4/2002/1and Add.1-2), drawn up, in accordance with rule5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the provisional agenda considered by the Commission at its fiftyseventh session in accordance with paragraph 3 of Economic and Social Council resolution1894 (LVII) of 1 August 1974.

7. The agenda was adopted without a vote. For the text as adopted, see annex I to the present report.

E. Organization of work

8. The Commission considered the organization of its work at its 2nd meeting, on 19 March 2002, at its 12th meeting, on 22 March 2002, at its 16th meeting, on 26 March 2002, at its 23rd meeting, on 3 April 2002, at its 27th meeting, on 5 April 2002 at its 33rd meeting, on 10 April 2002, at its 45t meeting, on 18 April 2002, at its 51st meeting, on 23 April 2002 and at its 58th meeting on 26 April 2002.

9. For the documents of the fifty-eighth session issued under agenda item 3, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V to the present report.

10. Also at its 2nd meeting, on the recommendation of its officers, the Commission decided to invite a number of experts, special rapporteurs, special representatives, chairpersons-rapporteurs of working groups and other persons to participate in the meetings at which their reports were to be considered.

11. The decision was adopted without a vote. For the text as adopted, see chapter II, section B, decision 2002/101.

12. At its 12th meeting, on the 22 March 2002, the Commission accepted the recommendation of its officers regarding the postponement of the special debate to the next session of the Commission.

13. Also at its 12th meeting, the Commission accepted the recommendation of its officers that document E/CN.4/2002/16, except paragraphs 25, 26, 30, 32, 38, 41, 47, 48 and 54 on which consultation would continue, would guide the work of the Commission.

14. At its 16th meeting, on 26 March 2002, the Commission accepted the recommendation of its officers on measures to overcome difficulties posed by the discontinuation of evening and night meetings. The following steps would be taken:

(*a*) Agreed provisions in document E/CN.4/2002/16 would not be amended and the measures would only be enforced at the 58th session of the Commission;

(*b*) The Chairperson, on behalf of the Commission, would write a letter to the Secretary-General inviting him to minimize the impact on the session;

(*c*) Speaking time with respect to the list of speakers would be reduced by 30 per cent concerned countries under an agenda item would retain the additional 5 minutes' speaking time and dignitaries would be requested to shorten the length of their statements;

(*d*) Negotiations to reach consensus on draft resolutions would be encouraged and an electronic system would be used for voting;

(*e*) The time for the introduction of draft resolutions and general statements in relation to voting would be restricted to 2 minutes for the introduction of a consensus draft resolution and 3 minutes for other drafts; 3 minutes for general comments; 10 minutes for concerned countries before the vote; and 2 minutes for explanations of vote, to be exercised only once, before or after the vote;

(*f*) Chairperson's statements would not be read out in their entirety, only distributed and included in the summary records and the report;

(*g*) The election of members of the Sub-Commission would take place in plenary meeting at the same time as the general debate on the item;

(*h*) The Rapporteur of the Commission would, together with the Secretariat look into the procedure for the adoption of the report of the Commission in order to suggest appropriate measures.

15. At the 23rd meeting, on 3 April 2002, the Commission approved the timetable for the consideration of agenda items as proposed by its officers, with the understanding that it could be modified in accordance with decisions the Commission might adopt regarding the organization of its work.

16. At the 27th meeting, on 5 April 2002, the Commission accepted the recommendation of its officers regarding the organization, on 5 April 2002 at the afternoon meeting, of a Special Sitting in response to the High Commissioner's statement, under agenda item 4, on the situation of human rights in the occupied Palestinian territory.

17. At the 33rd meeting, on 10 April 2002, the Commission accepted the recommendation of its officers regarding additional measures to overcome the difficulties posed by the discontinuation of evening and night meetings. The additional measures would be:

(*a*) Some of the remaining agenda items would be considered concurrently as follows: 12 and 13; 14 and 15; and 16, 17, 18, 19 and 20;

(*b*) The right of reply would be exercised only once, at the end of an item or cluster of items;

(*c*) National institutions would be given the opportunity to speak under agenda item 18 for a combined time of one hour;

(*d*) The report would be adopted ad referendum on Friday, 26 April 2002, it being understood that efforts would be made to ensure that as many chapters of the report as possible would be made available at that time in all the languages.

18. At the 51st meeting, on 23 April 2002, the Commission accepted the recommendation of its officers regarding furher measures to overcome the difficulties posed by the discontinuation of evening and night meetings. The further measures would be:

(*a*) The general debate on agenda items 14, 15, 16, 17, 18, 19 and 20 would be clustered;

(*b*) The Commission would either avoid introducing or significantly reduce the length of introductions of draft proposals that had been adopted without a vote at previous sessions and would avoid general comments on those drafts;

(*c*) General comments on other draft proposals would be limited to two delegations in favour and two delegations against;

(*d*) The Chairperson would apply strictly the speaking limits in the voting process, namely two minutes for introductory remarks, three minutes for general comments and two minutes for explanations of vote.

Situation of human rights in Colombia

19. At the 45th meeting, on 18 April 2002, Ms. Mary Robinson, United Nations High Commissioner for Human Rights, introduced her report on the situation of human rights in Colombia (E/CN.4/2002/17).

20. At the same meeting, statements were made by members of the Commission and representatives of non-governmental organizations. The list of speakers appears in annex III to the present report.

21. At the 58th meeting, on 26 April 2002, the Chairperson, on behalf of the Commission, made a statement concerning the situation of human rights in Colombia. For the text, see paragraph 44 below.

F. Meetings, resolutions and documentation

22. As indicated in paragraph 1 above, the Commission held 58 fully serviced meetings.

23. The resolutions and decisions adopted by the Commission at its fifty-eighth sessionare contained in chapter II of the present report. Draft decisions for action by the Economic and Social Council are set out in chapterI. For a list of resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V to the present report.

24. Annex III contains a list of speakers in the general debate on agenda items 3 to 20.

25. Annex IV contains a statement regarding the administrative and programme budget implications of resolutions and decisions adopted by the Commission at its fiftyeighth session.

26. Annex VI contains a list of documents issued for the fifty-eighthsession of the Commission.

G. Visits

27. During its fifty-eighth session, the Commission heard statements by the following guest speakers:

(*a*) At the 2nd meeting, on 19 March 2002: Mr. Josep Piqué, Minister for Foreign Affairs of Spain (on behalf of the European Union; Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement); Mr. Nejat Arseven, Minister of State of Turkey in charge of Human Rights; Dr. Dimitrij Rupel, Minister for Foreign Affairs of the Republic of Slovenia; Ms. Anna Lindh, Minister for Foreign Affairs of Sweden, followed by a statement in exercise of the equivalent of the right of reply made by the observer for Turkey. At the 3rd meeting, on the same day, a statement in exercise of the right of reply was made by the representative of Thailand and statements in exercise of the equivalent of the right of reply were made by the observer for Zimbabwe and the observer for Belarus, followed by a statement in exercise of the right of reply by the representative of Sweden;

(*b*) At the 3rd meeting, on 19 March 2002: Ms. Zeljka Antunovic, Deputy Prime Minister of the Republic of Croatia;Mr. Antanas Valionis, Minister for Foreign Affairs of the Republic of Lithuania, in his capacity as Chairman ofthe Committee of Ministers of the Council of Europe; Mr. Michael Melchior, Deputy Minister for Foreign Affairs of Israel, in connection with whose statement statements in exercise of the equivalent of the right of reply were made by the observers for Lebanon and Palestine, followed by a statement in exercise of the equivalent of the right of reply by the observer for Israel; Mr. Kassymzhomart Tokayev, Secretary of State, Minister for Foreign Affairs of the Republic of Kazakhstan; Mr. Antti Satuli, Secretary of State of Finland; Mr. Javier Solana, High Representative for the Common Foreign and Security Policy of the European Union; Mr. Bill Graham, Minister for Foreign Affairs of Canada, in connection with whose statement a statement in exercise of the right of reply was made by the representative of the Sudan; Dr. A. Abdullah, Minister for Foreign Affairs of Afghanistan;

(*c*) At the 4th meeting, on 20 March 2002: Mr. Ruud Lubbers, United Nations High Commissioner for Refugees; Mr. Siene Oulaï, Minister of Justice and Public Liberty of Côte d'Ivoire; Dr. Nkosazana DlaminiZuma, Minister for Foreign Affairs of the Republic of South Africa; Ms. Arta Dade, Minister for Foreign Affairs of the Republic of Albania; Ms. Lydie Polfer, Vice-Prime Minister, Minister for Foreign Affairs of Luxembourg; Ms. Benita Ferrero-Waldner, Federal Minister for Foreign Affairs of Austria;

(*d*) At the 5th meeting, on 20 March 2002: Dr. José Ramos-Horta, Senior Minister for Foreign Affairs and Cooperation of the Second TransitionalGovernment of East Timor; Mr. Jaime Gama, Minister for Foreign Affairs of Portugal and Chairperson in office of the Organization for Security and Co-operation in Europe; Mr. Wlodzimierz Cimoszewicz, Minister for Foreign Affairs of the Republic of Poland; Mr. Joschka Fischer, Minister for Foreign Affairs of the Federal Republic of Germany, in connection with whose statement a statement in exercise of the right of reply was made by the representative of China, followed by a statement in exercise of the right of reply by the representative of Germany; Mr. Mohamed Auajjar, Minister for Human Rights of the Kingdom of Morocco;

(*e*) At the 7th meeting, on 21 March 2002: Prof. Paulo Sérgio Pinheiro, State Secretary for Human Rights of Brazil; Mr. Indulis B rzinš, Minister for Foreign Affairs of the Republic of Latvia; Mr. Eduard Kukan, Minister for Foreign Affairs of the Slovak Republic; Dr. Gustavo Bell Lemus, Vice-President of Colombia;

(*f*) At the 10th meeting, on 22 March 2002: Dr. Wahibah Fara'a, Minister of State for Human Rights of Yemen; Mr. Jan Petersen, Minister for Foreign Affairs of Norway;

(*g*) At the 11th meeting, on 22 March 2002: Mr. Vartan Oskanian, Minister for Foreign Affairs of Armenia, in connection with whose statement statements in exercise of the equivalent of the right of reply were made by the observers for Azerbaijan and Turkey, followed by a statement in exercise of the right of reply by the representative of Armenia;

(*h*) At the 15th meeting, on 26 March 2002: Mr. Roberto Rojas López, Minister for Foreign Affairs of Costa Rica; Mr. Luaba Lumu Ntumba, Minister for Human Rights of the Democratic Republic of the Congo; Mr. Jorge Castañeda, Secretary of Foreign Relations of Mexico; Ms. Hanan Ashrawi, Special Envoy of the President of the Palestinian National Authority, in connection with whose statement a statement in exercise of the equivalent of the right of reply was made at the 16th meeting, the same day, by the observer for Israel, followed by a statement in exercise of equivalent of the right of reply by the observer for Palestine; Dr. Surakiart Sathirathai, Minister for Foreign Affairs of Thailand; Mr. Felipe Pérez Roque, Minister for Foreign Affairs of the Republic of Cuba; Mr. Abdul Sattar, Minister for Foreign Affairs of Pakistan, in connection with whose statement a statement in exercise of the right of reply was made at the 16th meeting, the same day, by the representative of India, followed by a statement in exercise of the right of reply by the representative of Pakistan; Mr. Hubert Védrine, Minister for Foreign Affairs of France; Mr. Joseph Deiss, Head of the Federal Department for Foreign Affairs of Switzerland, in connection with whose statement a statement in exercise of the right of reply was made at the 16th meeting, the same day, by the representative of China, followed by a statement in exercise of the equivalent of the right of reply by the observer for Switzerland; Mr. Goran Svilanovic, Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia;

(*i*) At the 16th meeting, on 26 March 2002: Mr. Pierre-Henri Imbert, Director-General for Human Rights of the Council of Europe; Mr. Gérard Stoudmann, Director of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe; Mr. Ali Ahmed Karti, State Minister at the Ministry of Justice of the Republic of the Sudan; Mr. Jakob Kellenberger, President of the International Committee of the Red Cross;

(*j*) At the 18th meeting, on 27 March 2002: Mr. Patrick Anthony Chinamasa, Minister of Justice, Legal and Parliamentary Affairs of Zimbabwe; Mr. Jozias van Aartsen, Minister for Foreign Affairs of the Netherlands, in connection with whose statement a statement in exercise of the equivalent of the right of reply was made by the observer for Zimbabwe; Mr. Yusril Ihza Mahendra, Minister of Justice and Human Rights of Indonesia;

(*k*) At the 19th meeting, on 28 March 2002: Mr. Malkhaz Kakabadze, Minister for Special Affairs of Georgia; Mr. Georges Chicoti, Vice-Minister for Foreign Affairs of Angola; Mr. Jan Kavan, Deputy Prime Minister and Minister for Foreign Affairs of the Czech Republic, in connection with whose statement a statement in exercise of the right of reply was made by the representative of Cuba and a statement in exercise of the equivalent of the right of reply was made by the observer for Turkey; Mr. Valery Loshchinin, First Deputy Minister for Foreign Affairs of the Russian Federation;

(*l*) At the 20th meeting, on 28 March 2002: Mr. Petko Draganov Vice-Minister for Foreign Affairs of the Republic of Bulgaria; Mr. Alphonse Barancira, Minister of Institutional Reforms, Human Rights and Relations with the Parliament of Burundi, in connection with whose statement a statement in exercise of the equivalent of the right of reply was made by the observer for Rwanda;

(*m*) At the 21st meeting, on 2 April 2002: Mr. Guangya, Wang, Vice-Minister for Foreign Affairs of the People's Republic of China; Mr. Agbéyomé Messan Kodjo, Prime Minister of the Togolese Republic, Ms. Ton Nu Thi Ninh, Deputy Minister for Foreign Affairs of Viet Nam;

(*n*) At the 23rd meeting, on 3 April 2002: Dr. Peter Piot, Executive Director of the Joint United Nations Programme on HIV/AIDS; Mr. Per Stig Møller, Minister for Foreign Affairs of Denmark; Mr. Juan Manual Suárez del Toro Rivero, President of the International Federation of Red Cross and Red Crescent Societies; Ms. Cecilia Blondet, Minister for the Promotion of Women and Human Development of Peru; Mr. Rodolphe Adada, Minister for Foreign Affairs, Cooperation and Francophonie of the Republic of the Congo;

(*o*) At the 25th meeting, on 2 April 2002: Mr. Milovan Blagojevic, Deputy Minister for Foreign Affairs of Bosnia and Herzegovina;

(*p*) At the 27th meeting, on 5 April 2002: Ms. Kristiina Ojuland, Minister for Foreign Affairs of Estonia;

(*q*) At the 29th meeting, on 8 April 2002: Mr. M. Abdurrahman Mohamed Shalgam, Minister for Foreign Affairs of the Libyan Arab Jamahiriya;

(*r*) At the 31st meeting, on 9 April 2002: Mr. François-Xavier Ngoubeyou, Minister for Foreign Affairs of the Republic of Cameroon; Dr. Rubén Maye Nsue Mangue, Minister of Justice and Religious Affairs of Equatorial Guinea; Dr. Abdelouahed Belkeziz, Secretary-General of the Organization of the Islamic Conference, in connection with whose statement a statement in exercise of the right of reply was made at the 32nd meeting, the same day, by the representative of India; Mr. Marcel Metefara, Minister of Justice of the Republic of Central Africa;

(*s*) At the 35th meeting, on 11 April 2002: Mr. Alhaji Sule Lamido, Minister for Foreign Affairs of Nigeria;

(*t*) At the 37th meeting, on 12 April 2002: Mr. Kofi Annan, Secretary-General of the United Nations; Ms. Margherita Boniver, ViceMinister for Foreign Affairs of Italy; Dr. Ernst Walch, Minister for Foreign Affairs of Liechtenstein; Prince Torki Ben Mohammed Ben Saud Al-Kabeer, Deputy Minister for Political Affairs of Saudi Arabia;

(*u*) At the 39th meeting, on 15 April 2002: Mr. Adrian Nastase, Prime Minister of Romania; Mr. Khalaf Khalafov, Deputy Minister for Foreign Affairs of Azerbaijan, in connection with whose statement a statement in exercise of the right of reply was made by the representative of Armenia, followed by a statement, at the 40th meeting, the same day, in exercise of the equivalent of the right of reply by the observer for Azerbaijan;

(*v*) At the 44th meeting, on 17 April 2002: Mr. Amre Moussa, Secretary-General of the League of Arab States;

(*w*) At the 45th meeting, on 18 April 2002: Mr. Louis Michel, Deputy Prime Minister and Minister for Foreign Affairs of Belgium; the Rt. Hon. Jack Straw, MP, Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, in connection with whose statement a statement in exercise of the equivalent of the right of reply was made by the observer for Iraq and a statement in exercise of the right of reply was made, at the 46th meeting, the same day, by the representative of China.

H. Organization of the work of the fifty-eighth session of the Commission

Enhancement of the effectiveness of the working methods of the Commission

28. At the 57th meeting on 26 April 2002, the representative of Cuba introduced draft resolution E/CN.4/2002/L.93, sponsored byAlgeria, Angola, Bangladesh, Bhutan, China, Cuba, the Democratic People's Republic of Korea, Equatorial Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, the Libyan Arab Jamahiriya, Malaysia, Pakistan, the Philippines, Saudi Arabia, Sri Lanka, th Sudan, the Syrian Arab Republic, Viet Nam and Yemen. Burundi, the Democratic Republic of the Congo, Kenya, Mauritania, Nigeria, the Russian Federation, Sierra Leone, Swaziland, Togo, Uganda and Zambia subsequently joined the sponsors.

29. At the same meeting the representative of Cuba orally revised the draft resolution extensively on the basis of a text provided to the Commission.

30. Statements in connection with the draft resolution was made by the representatives of Canada and Spain.

31. At the 58th meeting, statements in connection with the draft resolution were made by the representatives of Canada, Cuba and Spain (on behalf of the European Union).

32. At the request of the representative of Canada, a recorded vote was taken on the draft resolution, as orally revised, which was adopted by 36 votes to none, with 17 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Armenia, Bahrain, Brazil, Burundi, Cameroon, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.

Against: None.

Abstentions: Austria, Belgium, Canada, Croatia, Czech Republic, France, Germany, Guatemala, Italy, Japan, Mexico, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

33. For the text of the resolution as adopted, see chapter II, section A, resolution 2002/91.

34. At the 58th meeting, on 26 April 2002, the Chairperson proposed a draft decision concerning the intersessional activities of the Bureau.

35. Statements in connection with the draft decision weremade by the representatives of Bahrain, Cuba and Spain.

36. At the request of the representative of Cuba, a recorded vote was taken on the draft decision, which was adopted by 41 votes to none, with 12 abstentions. The vote was as follows:

In favour: Argentina, Armenia, Austria, Bahrain, Belgium, Brazil, Burundi, Cameroon, Canada, Chile, Costa Rica, Croatia, Czech Republic, Democratic Republic of the Congo, Ecuador, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Kenya, Libyan Arab Jamahiriya, Mexico, Nigeria, Pakistan, Peru, Poland, Portugal, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, South Africa, Spain, Sweden, Thailand, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia.

Against: None.

Abstentions: Algeria, China, Cuba, Malaysia, Sierra Leone, Sudan, Swaziland, Syrian Arab Republic, Togo, Uganda, Venezuela, Viet Nam.

37. For the text of the decision as adopted, see chapter II, section B, decision 2002/115.

38. At the same meeting, the Chairperson proposed three draft decisions concerning the organization of the work of the fifty-ninth session of the Commission (additional meetings), statements by non-governmental organizations and the electronic voting system.

39. Statements in connection with the draft decisions were made by the representatives of Algeria, Cuba and the Syrian Arab Republic.

40. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft decisions.

41. The draft decisions were adopted without a vote. For the text of the decisions as adopted, see chapter II, section B, decisions 2002/116, 2002/117 and 2002/118.

I. Concluding remarks

42. At the 57th meeting, on 26 April 2002, Ms. Mary Robinson, United Nations High Commissioner for Human Rights made concluding remarks.

43. At the 58th meeting, the same day, concluding remarks were also made by the following speakers:

(*a*) Mr. Krzysztof Jakubowski, Chairperson of the fifty-eighth session of the Commission;

(*b*) The representative of Canada (on behalf of the Group of Western European and Other States);

(*c*) The representative of Nigeria (on behalf of the Group of African States);

(*d*) The representative of Chile (on behalf of the Group of Latin American and Caribbean States);

(*e*) The representative of Japan (on behalf of the Group of Asian States);

(*f*) The representative of Croatia (on behalf of the Group of Eastern European States);

(*g*) The representative of the Syrian Arab Republic (on behalf of the Group of Arab States).

Chairperson's statement

44. During the consideration of agenda item 3, the Chairperson made a statement, the text of which reads as follows:

"Situation of human rights in Colombia

"The Commission on Human Rights takes note of the determination of the Government of Colombia to allow the Office of the High Commissioner for Human Rights in Colombia to continue carrying out its activities without any impediments in the fulfilment of its mandate and it trusts that the Government of Colombia will solve the remaining problems which the Office encounters in maintaining a fluid and effective dialogue with the Government. The Commission does note, however, progress in the dialogue between the Office of the High Commissioner for Human Rights in Colombia and the Government, and urges the Government to further strengthen its cooperation with the Office in realizing the full potential of its mandate. It welcomes the very detailed report of the High Commissioner for Human Rights on the situation of human rights in Colombia (E/CN.4/2002/17) and takes note of the document containing the observations of the Government of Colombia on that report (E/CN.4/2002/172), and urges it to comply with the recommendations contained therein.

"The Commission firmly supports the extension of the mandate of the permanent office in Bogotá, as it still believes that this office plays a vital role in the work against ongoing violations of human rights and international humanitarian law in Colombia. The Commission is encouraged by the effective cooperation of the Government in the enlargement and the extension of the presence of the office, welcomes the opening of the offices in Cali and Medellin and encourages the eventual establishment of other field offices in Colombia.

"Considering that cooperation with United Nations human rights mechanisms continues to be a valuable instrument that contributes to improving the Government's efforts to promote and protect human rights in the country, the Commission urges the present Government of Colombia, as well as the incoming Government of Colombia, to preserve and further develop the ongoing collaboration not only with the Office of the High Commissioner for Human Rights in the country, but also with the Office of the United Nations High Commissioner for Refugees, given the increasing number of internally displaced persons, by adopting further effective measures to ensure the follow-up to and fulfilment of the recommendations of these Offices.

"The Commission welcomes the visit of the Special Rapporteur on violence against women and the visit of the Special Representative of the Secretary-General on human rights defenders, and calls upon the Government of Colombia to implement the recommendations of all rapporteurs and thematic working groups and to continue to cooperate with them.

"The Commission understands and respects the decision that the President of Colombia took on 20 February 2002, which put an end to the process, initiated in 1998,

of dialogue, negotiation and signing of agreements with the Revolutionary Armed Forces of Colombia (FARC), whose condemnable acts of violence demonstrated its unwillingness to make serious progress in the peace process by fulfilling the commitments it has solemnly undertaken with the Government, most recently in the Agreement of 20 January 2002. The Commission reiterates its support for the determined efforts carried out by President Pastrana to seek an end to internal conflict in Colombia through dialogue and negotiation, and highlights the strong willingness of Colombia to achieve peace, in the framework of the rule of law and respect for human rights. The Commission strongly believes that a negotiated political solution is necessary in order to end the conflict. Likewise, it underlines the role played by the international community, in particular by the United Nations through the Special Representative of the Secretary-General, and the Group of Facilitating Countries in the peace process with the FARC and the Group of Friendly Countries in the peace process with the National Liberation Army (ELN).

"The Commission welcomes the process of dialogue and negotiation that is under way between the Government and the ELN, encourages the prompt achievement and fulfilment of commitments, and hopes that this will allow for substantial progress to be made in the search for peace.

"The Commission hopes that a future decrease in the intensity of the conflict and a halt in human rights violations and attacks against the civilian population will contribute to creating an atmosphere of confidence that will allow the continuation of the efforts towards dialogue in the search for peace.

"The Commission strongly condemns all threats, attacks, kidnappings and assassinations of candidates in legislative and presidential elections, as well as of other persons who carry out peaceful political activities, by paramilitary or guerrilla groups. It urges the immediate liberation of kidnapped candidates and reiterates its request to all armed groups to respect persons exercising their political rights. The Commission takes note of and welcomes the institutional effort carried out by both the State and the Government of Colombia to conduct the electoral processes during the first half of this year, with the appropriate guarantees.

"The Commission continues to express its deep concern regarding the grave and persistent breaches of international humanitarian law committed by all the parties to the conflict, mainly paramilitary and guerrilla groups. It also makes an appeal to all illegal armed groups to respect international humanitarian law, especially as it applies to respect protection of the civilian population. Likewise, it urges the immediate release of all kidnapped persons. The Commission is seriously concerned about the grave breaches of international humanitarian law, which protects medical missions and prohibits the blocking of the delivery of food to areas in need.

"The Commission strongly condemns the persistence of impunity in Colombia, especially with regard to violations and abuses of human rights and international humanitarian law. The Commission welcomes the incorporation of breaches of international humanitarian law into the new Criminal Code and urges all parties involved in the conflict to respect that law and end the violations.

"Likewise, it is concerned at the alleged links between the military and the paramilitaries and the persistence of violations of the right toa fair trial, as trials conducted by military tribunals are still being held. In particular, in specific cases of serious violations of human rights and international humanitarian law, the Attorney-General's Office has declared itself incompetent in favour of military criminal justice. The Commission reminds the Colombian State that, in order to avoid such a situation, the regulations of the new Military Code and the new ordinary Criminal Code must be interpreted in accordance with the relevant international standards and according to the clear criteria established by the decisions of the Constitutional Court of Colombia. The Commission urges the Government to take further necessary measures to address the problem of impunity the country is labouring uder. The Commission looks forward to an early conclusion of the ratification process of the Rome Statute of the International Criminal Court and notes the adoption in Congress of the regulations aimed at achieving this goal.

"The Commission welcomes the incorporation of crimes relating to forced disappearances, massacres and genocide in the Criminal Code and its entry into force on 24 July 2001, as well as the adoption by Congress of norms that will facilitate the ratification of the Inter-American Convention on the Forced Disappearance of Persons. The Commission urges the Government of Colombia to implement the provisions of these instruments regarding enforced disappearances, which affect journalists, human rights defenders, trade unionists and politial and social activists. There are serious allegations that some of the disappearances involve members of State forces who collaborate with paramilitary groups and consent to or acquiescence in criminal acts. Therefore, the Commission urges the ColombianState to continue to adopt efficient and effective measures to attempt to solve the problem of impunity.

"The Commission takes note of improvements in the human rights performance of the armed forces but remains concerned at continued reports of human rights violations attributed to the armed and security forces, and deplores 'momentary captures' or 'government arrests' carried out by the security forces and the military. While the Commission notes the legal mechanisms which have led to the dismissal ofmilitary personnel in a discretionary manner, it urges the Government of Colombia to further ensure that the members of State forces against whom credible allegations exist are suspended, whilst speedy investigations are undertaken in order to bring those responsible to civilian justice.

"The Commission takes note of the ruling of the Constitutional Court declaring Law 684 of 13 August 2001 on national security and defence unconstitutional, and calls upon the Government of Colombia to interpret and adjus all national legislation in accordance with relevant international human rights norms.

"The Commission condemns all acts of terrorism and other criminal acts committed by all illegal armed groups, such as attacks against life, physical integrity and personal liberty and safety.

"The Commission condemns all breaches of international humanitarian law committed by guerrilla groups. Consequently, it urges all the guerrilla groups, especially the FARC, to comply with international humanitarian law and to respect the national authorities, the legitimate exercise by the population of their human rights and their access to the mechanism and resources that guarantee them.

"Furthermore, the Commission condemns the persistence of grave abuses of human rights and breaches of international humanitarian law committed by paramilitary groups, and is particularly concerned at acts of murder, kidnapping, torture and forced disappearance undertaken by all parties to the conflict. The Commission is furthermore concerned at reports involving members of State forces who collaborate with paramilitary groups and consent to or acquiescence in criminal acts carried out by the latter. The Commission urges the Government of Colombia to implement fully the measures adopted to combat and repress paramilitary groups.

"The Commission is concerned at the poor results following the establishment of the Standing Inter-sectoral Commission for the Coordination and Follow-up of National Human Rights and International Humanitarian Law Policy as well as the Presidential Programme for the Promotion, Respect and Guarantee of Human Rights and of the Application of International Humanitarian Law. As a consequence, it urges the Government of Colombia to design and implement a national action plan that is based on the fight against paramilitarism and impunity, attention to forcibly displaced persons, women and children, as well as the protection of the most vulnerable groups of the population. The Commission points out with concern that the six-point plan aimed at confronting the paramilitary groups has not brought about significant results.

"The Commission deplores attacks against the life, physical integrity and safety and freedom of movement of human rights defenders, trade union leaders and Church dignitaries. It strongly condemns all assassinations, in particular the recent assassination of Archbishop Duarte. The Commission also condemns the violation of the freedom of opinion and expression and the free exercise of political rights that particularly affects these groups. It urges the Colombian State to adopt adequate measures to make effective the full observance of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. It reiterates the request to maintain a fluid dialogue with non-governmental organizations and recommends that the Government of Colombia further promote Presidential Guideline 07 among public officials and ensure punishment if it should be violated. Likewise, it urges the State to implement the measures adopted to guarantee trade union leaders their right to life, their physical integrity and the ability to function freely, as set out in article 8 of the International Covenant on Economic, Social and Cultural Rights. The Commission urges the Government of Colombia to adopt additional and more efficient measures to guarantee their life and personal safety and strengthen their protection, in particular by implementing recommendations of the

International Labour Organization. The Commission encourages the Government of Colombia to continue its task of strengthening and improving the efficiency of the Special Protection Programme for Witnesses and Threatened Persons under the Ministry of the Interior by extending the number of beneficiaries and providing adequate resources to that effect. The Commission recommends that the Government of Colombia follow up and evaluate the measures, guidelines and programmes mentioned above in order to improve the situation of human rights.

"The Commission is also concerned at reported breaches of the presumption of innocence by means of the abuse of pretrial detention and unjustified delays by members of the judiciary in proceedings that have affected the right to a fair trial. The Commission urges the Colombian authorities to address these issues in the context of the Criminal Code and the new Criminal Procedure Code, both of which have been in force since the second half of 2001. The Commission takes note of the adoption of the *Código Disciplinario Único*, in February 2002 and looks forward to its implementation.

"The Commission requests the Government of Colombia to reform the Penitentiary Code and to adopt all necessary measures to overcome the shortcomings of the administration of justice and to end corruption in the penitentiary system. Among other measures, it will be necessary to reinforce the judicial system and the protection of both members of the judiciary and victims, to improve the conditions of detention centres with due regard to the findings of the international mission on human rights and prisons in Colombia, as well as to avoid the entry of arms in detention centres.

"The Commission firmly condemns the recruitment of a large number of children into paramilitary and guerrilla groups. In this sense, the Commission urges them to stop the recruitment of children and to demobilize immediately those currently participating in these groups. The Commission is alarmed at the use of anti-personnel landmines by paramilitary and guerrilla groups.

"The Commission welcomes the signature by the Government of Colombia of the two Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and the sale of children, child prostitution and child pornography, and is encouraged by the progress made in Congress towards ratification of the two Optional Protocols and looks forward to their early implementation. Likewise, it welcomes the entry into force of Law 679/2001 against sexual exploitation of children, child pornography and tourism with the purpose of having sex with minors. However, the Commission expresses its concern about the significant deterioration in the rights of the child in Colombia and urges the Colombian State to adopt measures to reduce violence against children; it recommends the harmonization of the *Código del Menor* with the provisions of the Convention on the Rights of the Child.

"The Commission encourages the Government of Colombia to recognize the competence of the committees established under articles 21 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and in accordance with article 14 of the International Convention on the Elimination of All

Forms of Racial Discrimination, as well as to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

"The Commission deplores attacks against indigenous and Afro-Colombian communities and exhorts all actors to respect the special cultural status of minorities. It calls upon the Government of Colombia to adopt effective protection measures for the leaders, defenders and other members of those communities who are under threat. It also exhorts all relevant parties to provide opportunities for dialogue with a view to developing concerted and efficient prevention and protection policies for the members of these groups and to legally ban racial and other forms of discrimination in all circumstances. Likewise, it appeals to the parties to the conflict to respect the identity and integrity of these groups.

"The Commission is alarmed at the fact that the deterioration of the conflict has brought about a considerable increase in the number of internally displaced persons in Colombia, some of whom are under 14 years of age, and about their deteriorating situation of vulnerability and insecurity. The Commission believes that this problem must be tackled effectively. It therefore urges the Government to implement effective mechanisms to deal with the situation of the general climate of violence and the immediate consequences of the internal displacement of the population, and calls upon all to the conflict to halt all actions that would further aggravate this serious problem. Likewise, it takes note of the acknowledgement by the Government of Colombia of its responsibility to address the situation of the internally displaced and of the implementation of the National System of Care for the Displaced Population. However, the Commission appeals to the Colombian State to implement provisions and mechanisms created by the State, such as those provided for in Law 387, pursuant to the ruling of the Constitutional Court and the Guiding Principles on Internal Displacement.

"The Commission notes with appreciation that the Constitutional Court has made reference to the Guiding Principles on Internal Displacement in support of action in favour of internally displaced and recommends that the Colombian State provide urgent protection and assistance to the displaced persons, in particular women and children, and to ensure their safe return. In this regard, it calls upon the Government of Colombia to continue to implement the recommendations of the Representative of the Secretary General on internally displaced persons and encourages further cooperation with international bodies, especially the Office of the UnitedNations High Commissioner for Refugees and the International Committee of the RedCross, as well as nongovernmental organizations, not only through the adoption of protection measures, but also in the field of the prevention, and sanctioning those responsible for causing internal displacement.

"The Commission urges the Government of Colombia to continue its efforts to address, on the basis of the principle of shared responsibility and with respect for human rights and the environment, the problem of the illegal cultivation of drugs and the scourge of drug tafficking.

"In this regard, the Commission encourages the Government of Colombia to step up measures and adopt further policies to revitalize the Colombian economy, to further equal access to the generation of income and to strengthen the rule of law ad, therefore, the democratic pillars of Colombian society.

"The Commission requests the High Commissioner for Human Rights to submit to it as its next session a detailed report containing an analysis by her Office of the situation of human rights in Colombia in accordance with the agreement between the Government of Colombia and her Office on the operation of the permanent office in Bogotá."

IV. Report of the United Nations High Commissioner for Human Rights and followup to the World Conference on Human Rights

45. The Commission considered agenda item 4 at its 4th and 5th meetings, on 20 March, at its 22nd meeting, on 2 April, at its 28th meeting, on 5 April, at its 37th meeting, on 12 April, at its 40th meeting, on 15 April, at its41st meeting, on 16 April, and at its 56th to 58thmeetings, on 25 and 26 April 2002.

46. For the documents issued under agenda item 4, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V to the present report.

47. At the 4th meeting, on 20 March 2002, the United Nations High Commissioner for Human Rights, Ms. Mary Robinson, introduced her report (E/CN.4/2002/18).

48. At the 22nd meeting, on 2 April 2002, the High Commissioner made a statement in relation to the human rights situation in the occupied Palestinian territory.

49. At the 28th meeting, on 5 April 2002, the High Commissioner made a statement at the beginning of the special sitting held in response to her statement on the human rights situation in the occupied Palestinian territory.

50. At the 40th meeting, on 15 April 2002, the High Commissioner made a statement in relation to the status of the preparations for a visiting mission to the occupied Palestinian territory pursuant to Commission resolution 2002/1.

51. At the 54th meeting, on 24 April 2002, the High Commissioner introduced her report, as called for in decision 2002/103, on the deteriorating human rights situation in the occupied Palestinian territory (E/CN.4/2002/184).

52. In the general debate on agenda item 4, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Strengthening of the Office of the United Nations High Commissioner for Human Rights

53. At the 37th meeting, on 12 April 2002, the representative of Indonesia introduced draft resolution E/CN.4/2002/L.8, sponsored by Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Iran (Islamic Republic of), Malaysia, Mexico, Myanmar, Nepal, Pakistan, Saudi Arabia, Sir Lanka, the Sudan and Viet Nam. The Libyan Arab Jamahiriya, the Syrian Arab Republic and Venezuela subsequently joined the sponsors.

54. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

55. A statement in explanation of position was made by the representative of Canada.

56. The draft resolution was adopted without a vote. For the text see chapter II, section A, resolution 2002/2.

Situation of human rights in the occupied Palestinian territory

57. At the 28th meeting, on 5 April 2002, the representative of Algeria (on behalf of the Organization of the Islamic Conference) introduced draft resolution E/CN.4/2002/L.13.

58. At the same meeting the representative of Sweden orally amended the draft resolution by introducing a new first preambular paragraph.

59. At the same meeting the representative of Canada moved a motion under rule 52 of the rules of procedure.

60. At the same meeting the representative of Pakistan moved a motion to suspend rule 52.

61. At the request of the representative of Guatemala, a recorded vote was taken on the motion moved by Pakistan, which was adopted by 50 votes to 2, with 1 abstention. The voting was as follows:

In favour: Algeria, Argentina, Armenia, Austria, Bahrain, Belgium, Brazil, Burundi, Cameroon, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Democratic Republic of the Congo, Ecuador, France, Germany, India, Indonesia, Italy, Japan, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Poland, Portugal, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Viet Nam, Zambia.

Against: Canada, Guatemala.

Abstaining: Peru.

62. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

63. At the request of the representative of Canada, a recorded vote was taken on the draft resolution as orally amended, which was adopted by 44 votes to 2, with 7 abstentions. The voting was as follows:

In favour:	Algeria, Argentina, Austria, Bahrain, Belgium, Brazil, Burundi, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, France, India, Indonesia, Italy, Japan, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Poland, Portugal, Republic of Korea, Saudi Arabia, Senegal, Sierra Leone, South Africa, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.
Against:	Canada, Guatemala.
Abstaining:	Armenia, Cameroon, Croatia,Czech Republic, Germany, Russian Federation, United Kingdom of Great Britain and Northern Ireland.

64. Statements in explanation of vote after the vote were made by the representatives of Canada, Germany, Peru and the Russian Federation. A written statement in explanation of vote was submitted by the representative of Ecuador.

65. For the text of the resolution see chapter II, section A, resolution 2002/1.

Deteriorating situation in the occupied Palestinian territory

66. At its 40th meeting, on 15 April 2002, the representative of Pakistan (on behalf of the Organization of the Islamic Conference) introduced a draft decision on the deteriorating human rights situation in the occupied Palestinian territory.

67. At its 41st meeting, on 16 April 2002, statements in connection with the draft were made by the representative of Spain and the observers for Israel and Palestine.

68. At the same meeting the representative of Pakistan orally revised operative paragraphs 1 and 3.

69. A statement in explanation of vote was made by the representative of Guatemala.

70. At the request of the representatives of Canada and Guatemala, a recorded vote was taken on the draft resolution as orally revised, which was adopted by 41 votes to 2, with 8bstentions. The voting was as follows:

In favour: Algeria, Armenia, Austria, Bahrain, Belgium, Brazil, Burundi, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, India, Indonesia, Italy, Japan, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Portugal, Republic of Korea, Saudi Arabia, Senegal, South Africa, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.

Against: Canada, Guatemala.

Abstaining: Argentina, Cameroon, Croatia, Czech Republic, France, Germany, Poland, Russian Federation, United Kingdom of Great Britain and Northern Ireland.

71. Statements in explanation of vote after the vote were made by the representatives of Canada and Germany.

72. For the text of the decision see chapter II, section B, decision 2002/103.

The situation of human rights in the occupied Palestinian territory

73. At its 56th meeting, on 25 April 2002, the representative of Pakistan (on behalf of the Organization of the Islamic Conference) introduced a draft resolution on the situation of human rights in the occupied Palestinian territory (E/CN.4/2002/L.116).

74. At its 57th meeting, on 26 April 2002, the representative of Pakistan orally revised the draft resolution, as contained in a separate document before the Commission.

75. Statements in connection with the draft resolution were made by the representatives of Algeria, Chile, Cuba, India, Pakistan, Peru, Portugal and Uruguay and the observers for Israel and Palestine.

76. At its 58th meeting, on 26 April 2002, at the request of the representative of Peru a recorded vote was taken on the proposal by the representative of Peru requesting the deletion of the words "in the context of" in operative paragraph 4.

77. The proposal was rejected by 12 votes to 27, with 14 abstentions. The voting was as follows:

In favour: Argentina, Belgium, Canada, Chile, Costa Rica, Croatia, Ecuador, Mexico, Peru, Portugal, Sweden, Uruguay.

Against: Algeria, Armenia, Bahrain, Brazil, China, Cuba, Democratic Republic of the Congo, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Venezuela, Viet Nam, Zambia.

Abstaining: Austria, Burundi, Cameroon, Czech Republic, France, Germany, Guatemala, Italy, Japan, Poland, Republic of Korea, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland.

78. Explanations of vote before the vote were made by the rpresentatives of Canada, Chile, Germany, Italy, Japan, Mexico, Portugal, the Republic of Korea, the United Kingdom of Great Britain and Northern Ireland and Uruguay.

79. At the request of the representative of Guatemala, a recorded vote was taken on the draft resolution, as revised, which was adopted by 33 votes to 1, with 19 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Armenia, Bahrain, Brazil, Burundi, Chile, China, Cuba, Democratic Republic of the Congo, Ecuador, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Venezuela, Viet Nam, Zambia.

Against: Guatemala.

Abstaining: Austria, Belgium, Cameroon, Canada, Costa Rica , Croatia, Czech Republic, France, Germany, Italy, Japan, Peru, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay.

80. For the text ofthe resolution see chapter II, section A, resolution 2002/90.

V. The right of peoples to selftermination and its application to peoples under colonial or alien domination or foreign occupation

81. The Commission considered agenda item 5 at its 6th meeting, on 20 March, at its 7th and 8th meetings, on 21 March, and at its 37th meeting, on 12 April 2002.

82. For the documents issued under agenda item 5, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V to the present report.

83. At the 6th meeting, on 20 March 2002, a statement was read out by a member of the secretariat on behalf of Mr. Enrique Bernales Ballesteros, SpecialRapporteur on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, in connection with the Special Rapporteur's report (E/CN.4/2002/20).

84. In the general debate on agenda item 5, statements were made by members of the Commission, observers and non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Situation in occupied Palestine

85. At the 37th meeting, the representative of Saudi Arabia introduced draft resolution E/CN.4/2002/L.4, sponsored by Algeria, Bahrain, China, Cuba, Egypt, Indonesia, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Oman, Pakistan, Palestine, Qatar, Saudi Arabia, Somalia, South Africa, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates, Viet Nam and Yemen. Austria, Bangladesh, Belgium, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Madagascar, Malta, the Netherlands, Norway, Portugal, Senegal, Spain, Sweden, Switzerland, Togo, Turkey and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

86. The representative of Saudi Arabia orally revised the last preambular paragraph.

87. Statements in connection with the draft resolution were made by Spain (on behalf of the States members of the European Union that are members of the Commission- Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission the Czech Republic and Poland - aligned themselves with the statement), and the observers for Israel and Palestine.

88. A statement in explanation of vote before the vote was made by the representative of Guatemala.

89. At the request of the representative of Guatemala, a recorded vote was taken on the draft resolution, as orally revised, which was adopted by 52 votes to 1. The voting was as follows:

In favour: Algeria, Argentina, Armenia, Austria, Bahrain, Belgium, Brazil, Burundi, Cameroon, Canada, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Democratic Republic of the Congo, Ecuador, France, Germany, India, Indonesia, Italy, Japan,Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Poland, Portugal, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, SierraLeone, South Africa, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Viet Nam, Zambia.

Against: Guatemala.

Abstaining: None.

90. For the text of the resolution, see chapter II, section A, resolution 2002/3.

Question of Western Sahara

91. Also at the 37th meeting, on 12 April 2002, the Chairperson introduced draft resolution E/CN.4/2002/L.6.

92. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/4.

The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

93. Also at the 37th meeting, the representative of Cuba introduced draft resolution E/CN.4/2002/L.7, sponsored by Algeria, Angola, Bangladesh, Cuba, the Democratic Republic of the Congo, the Democratic People's Republic of Korea, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Ghana, India, Iraq, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Madagascar, Nigeria, the Republic of the Congo, the Russian Federation, the Sudan, Swaziland, the Syrian Arab Republic, Togo, Tunisia, VietNam, Yemen and Zimbabwe. Armenia, Cameroon, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Uganda and Zambia subsequently joined the sponsors.

94. A statement in explanation of vote before the vote was made by the representative of Spain (on behalf of States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission - the Czech Republic and Poland - aligned themselves with the statement).

95. At the request of the representative of Spain, a recorded vote was taken on the draft resolution, which was adopted by 36 votes to 8, with 9 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Armenia, Bahrain, Brazil, Burundi, Cameroon, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, India, Indonesia, Kenya, Lilyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Russian Federation, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.

Against: Belgium, Canada, Czech Republic, Germany, Japan, Poland, Sweden, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Austria, Croatia, France, Guatemala, Italy, Portugal, Republic of Korea, Saudi Arabia, Spain.

96. A statement in explanation of vote after the vote wa made by the representative of Canada.

97. For the text of the resolution, see chapter II, section A, resolution 2002/5.

VI. Racism, racial discrimination, xenophobia and all forms of discrimination

98. The Commission considered agenda item 6 at its 8th and 9th meetings, on 21 March, at its 10th and 11th meetings, on 22 March at its 38th meeting, on 12 April, at its 39th meeting, on 15 April 2002 and at its 55th and 56th meetings, on 25 April 2002.

99. For the documents issued under agenda item 6, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V to the present report.

100. At the 8th meeting, on 21 March 2002, Mr. Maurice Glèlè-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, presented his report (E/CN.4/2002/24 and Add.1).

101. In the general debate on agenda item 6, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Combating defamation of religions as a means to promote human rights, social harmony and religious and cultural diversity

102. At the 37th meeting, on 12 April 2002, and at the 39th meeting, on 15 April 2002, the representative of Pakistan (on behalf of the States members of the United Nations that are members of the Organization of the Islamic Conference) introduced draft resolution E/CN.4/2001/L.9, sponsored by Pakistan. Thailand subsequently joined the sponsors.

103. The representative of Pakistan orally revised the ninth and tenth preambular paragraphs and operative paragraphs 3 and 7.

104. Statements in explanation of vote before the vote were made by the representatives of Canada, Guatemala, India and Spain (on behalf of States members of the European Union that are members of the Commission- Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland).

105. At the request of the representative of Spain, a recorded vote was taken on the draft resolution as orally revised, which was adopted by 30 votes to 15, with 8 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Bahrain, Brazil, Cameroon, China, Cuba, Democratic Republic of the Congo, Ecuador, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.

Against: Austria, Belgium, Canada, Croatia, Czech Republic, France, Germany, Guatemala, Italy, Japan, Poland, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Armenia, Burundi, Chile, Costa Rica, India, Peru, Republic of Korea, Swaziland.

106. A statement in explanation of vote after the vote was made by the representative of Chile.

107. For the text of the resolution, see chapter II, section A, resolution 2002/9.

Racism, racial discrimination, xenophobia and related intolerance

108. At the 55th meeting, on 25 April 2002, the representative of Nigeria introduced draft resolution E/CN.4/2002/L.12, sponsored by Brazil, Barbados, Cuba, the Dominican Republic, Ecuador, Haiti, Indonesia, the Islamic Republic of Iran, Nigeria (on behalf of States members of the African Group), Uruguay and Venezuela. Chile, China, Costa Rica, India, Mexico, Pakistan, Saudi Arabia and the Syrian Arab Republic subsequently joined he sponsors.

109. The representative of Nigeria orally revised operative paragraphs 28 and 34 of the draft resolution.

110. Statements in connection with the draft resolution were made by the representatives of Canada, Cuba, Guatemala, India, Pakistan, South Africa, Spain (on behalf of the States members of the European Union that are members of the Commission- Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland; the associated countries that aremembers of the Commission - the Czech Republic and Poland - aligned themselves with the statement), the Sudan and Venezuela.

111. The representative of the Czech Republic proposed deletion of the words "to allow him to continue with his mandate and to reappoint Mr. Maurice Glèlè-Ahanhanzo as Special Rapporteur, in order to take advantage of his expertise;", in paragraph 38 of the draft resolution.

112. Statements in connection with the proposed amendment to the draft resolution were made by the representatives of Canada, China, the Czech Republic, Kenya, Nigeria, Pakistan and Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission - the Czech Republic and Poland -aligned themselves with the statement).

113. At the 56th meeting, on 25 April 2002, the representative of Nigeria proposed an amendment to the amendment previously proposed by the representative of the Czech Republic.

114. A procedural debate took place on the order in which the amendments should be voted on. Statements were made by the representatives of Canada, China, the Czech Republic, Nigeria and Spain.

115. **Statements in explanation of vote before the vote were made by the representatives of Canada and Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Porgal, Sweden and the United Kingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission- the Czech Republic and Poland -aligned themselves with the statement).**

116. **At the request of the representative of Nigeria recorded vote was taken on the amendment proposed by Nigeria, which was adopted by 26 votes to 14, with 13 abstentions. The voting was as follows:**

In favour: **Algeria, Bahrain, Burundi, Cameroon, China, Cuba, Democratic Republic of the Congo, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Viet Nam, Zambia.**

Against: **Austria, Belgium, Canada, Croatia, Czech Republic,France, Germany, Italy, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.**

Abstaining: **Argentina, Armenia, Brazil, Chile, Costa Rica, Ecuador, Guatemala, Japan, Peru, Russian Federation, Saudi Arabia, Uruguay, Venezuela.**

117. **A statement in connection with the draft resolution was made by the representative of Nigeria.**

118. **In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.**

119. **At the request of the representative of the Czech Republic, a recorded vote was taken on the draft resolution, as orally revised and amended which was adopted by 37 votes to 11, with 5 abstentions. The voting was as follows:**

In favour: **Algeria, Argentina, Bahrain, Brazil, Burundi, Cameroon, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, Guatemala, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.**

Against: **Austria, Belgium, Canada, France, Germany, Italy, Poland, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.**

Abstaining: Armenia, Croatia, Czech Republic, Japan, Republic of Korea.

120. For the text of the resolution, see chapter II, section A, resolution 2002/68.

Racism and racial discrimination

121. Also at the 56th meeting, the representative of Nigeria withdrew draft decision E/CN.4/2002/L.82, sponsored by Nigeria, in view of the adoption of resolution 2002/68. The draft decision read as follows:

> "*The Commission on Human Rights,*
>
> "*Taking note* of General Assembly resolution 56/267 of 27 March 2002, in which the Assembly endorsed the Durban Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,
>
> "*Taking note also* of the Durban Declaration and Programme of Action adopted by consensus by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2002,
>
> "*Convinced* that the World Conference made an important contribution to the cause of the eradication of racism, racial discrimination, xenophobia and related intolerance,
>
> "*Invites* the Sub-Commission on the Promotion and Protection of Human Rights to give careful consideration to the Durban Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and to play a complementary role in the realization of the objectives of the Conference."

VII. The right to development

122. The Commission considered agenda item 7 at its 12th to 14th meetings, on 22 and 25 March, and at its 56th meeting, on 25 April 2002.

123. For the documents issued under agenda item 7, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

124. At the 12th meeting, on 22 March 2002, the Chairperson-Rapporteur of the Openended working group established to monitor and review progress made in the promotion and implementation of the right to development, Mr. Mohamed-Salah Dembri, introduced the report of the working group on its first and second sessions (E/CN.4/2002/28).

125. At the same meeting, the independent expert onthe right to development, Mr. ArjunSengupta, made a statement.

126. In the general debate on agenda item 7, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

The right to development

127. At the 56th meeting, on 25 April 2002, the representative of South Africa introduced draft resolution E/CN.4/2002/L.14, sponsored by South Africa (on behalf of States members of the Non-Aligned Movement) and China. Armenia, Brazil, El Salvador, Haiti, Mauritius, Mexico, the Republic of Moldova, the Russian Federation and Uruguay subsequently joined the sponsors.

128. A statement in connection with the draft resolution was made by the representative of Venezuela.

129. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

130. Statements in explanation of vote before the vote were made by the representatives of Canada and Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission - the Czech Republic and Poland -aligned themselves with the statement).

131. At the request of the representative of Spain, a recorded vote was taken on draft resolution E/CN.4/2002/L.14, which was adopted by 38 votes to none, with 15 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Armenia, Bahrain, Brazil, Burundi, Cameroon, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, Guatemala, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.

Against: None.

Abstaining: Austria, Belgium, Canada, Croatia, Czech Republic, France, Germany, Italy, Japan, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

132. For the text of the resolution, see chapter II, section A, resolution 2002/69.

VIII. Question of the violation of human rights in the occupied Arab territories, including Palestine

133. The Commission considered agenda item 8 at its 15th to 19th meetings, on 26 to 28 March 2002, at its 21st to 22nd meeting, on 2 April 2002, at its 37th and 38th meetings, on 12 April 2002, and at its 39th meeting, on 15 April 2002.

134. For the documents issued under agenda item 8, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

135. At the 15th meeting, on 26 March 2002, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967, Mr. John Dugard, introduced his report (E/CN.4/2002/32).

136. In the general debate on item 8, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Human rights in the occupied Syrian Golan

137. At its 37th meeting, on 12 April 2002, the representative of the Syrian Arab Republic introduced draft resolution E/CN.4/2002/L.2, sponsored by Algeria, Bahrain, Cuba, the Democratic People's Republic of Korea, Egypt, Indonesia, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen. Malaysia and Togo subsequently joined the sponsors.

138. Statements in connection with the draft resolution were made by the representative of the Syrian Arab Republic and the observer for Israel.

139. Statements in explanation of vote before the vote were made by the representatives of Canada and Guatemala.

140. At the request of the representative of Canada, a recorded vote was taken on the draft resolution, which was adopted by 34 votes to 1, with 18 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Armenia, Bahrain, Burundi, Cameroon, Chile, China, Cuba, Democratic Republic of the Congo, Ecuador, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Venezuela, Viet Nam and Zambia.

Against: Guatemala.

Abstaining: Austria, Belgium, Brazil, Canada, Costa Rica, Croatia, Czech Republic, France, Germany, Italy, Japan, Peru, Poland, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay.

141. A statement in explanation of vote after the vote was made by the representative of Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Sweden and the United Kingdom of Great Britain and Northern Ireland; the associated countries that are membes of the Commission - the Czech Republic and Poland - aligned themselves with the statement).

142. For the text of the resolution, see chapter II, section A, resolution 2002/6.

Question of the violation of human rights in the occupied Arab territories, including Palestine

143. At its 38th meeting, on 12 April 2002, the representative of Pakistan introduced draft resolution E/CN.4/2002/L.16, sponsored by Algeria, Bahrain, China, Cuba, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Oman, Pakistan, Palestine, Qatar, Saudi Arabia, Somalia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates, Viet Nam and Yemen. Bangladesh, Brunei Darussalam, the Libyan Arab Jamahiriya, Madagascar and Togo subsequently joined the sponsors.

144. At the same meeting, the representative of Pakistan orally revised the draft resolution by introducing a new preambular paragraph after the sixth preambular paragraph and revising the seventh, twelfth, thirteenth and seventeenth preambular paragraphs, and operative paragraphs 1 and 13.

145. At the same meeting, the representative of Pakistan further revised the draft resolution by moving the new preambular paragraph to after the first preambular paragraph.

146. Statements in connection with the draft resolution were made by the representatives of Pakistan and Spain and the observers for Israel and Palestine.

147. At its 39th meeting, on 15 April 2002, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

148. Statements in explanation of vote before the vote were made by the representatives of Canada, France, Germany, Guatemala, Italy, Pakistan, Spain and the United Kingdom of Great Britain and Northern Ireland.

149. At the request of the representative of Canada, a recorded vote was taken on the draft resolution as orally revised, which was adopted by 40 votes to 5, with 7 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Armenia, Austria, Bahrain, Belgium, Brazil, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, France, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Portugal, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Uganda, Venezuela, Viet Nam and Zambia.

Against: Canada, Czech Republic, Germany, Guatemala, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Burundi, Cameroon, Croatia, Italy, Japan, Poland, Uruguay.

150. Statements in explanation of vote after the vote were made by the representatives of Austria, Belgium, India, Portugal and Sweden.

151. For the text of the resolution, see chapter II, section A, resolution 2002/8.

Israeli settlements in the occupied Arab territories

152. Also at its 38th meeting, the representative of Spain (on behalf of the European Union) introduced draft resolution E/CN.4/2002/L.17, sponsored by Algeria, Austria, Belgium, Bulgaria, the Czech Republic, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxemburg, Madagascar, Malta, the Netherlands, New Zealand, Norway, Portugal, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey and the United Kingdom of Great Britain and Northern Ireland. Bulgaria, Cyprus, Estonia, Ireland, Japan, Liechtenstein and San Marino subsequently joined the sponsors. Algeria, Egypt and Saudi Arabia withdrew as sponsors.

153. Statements in connection with the draft resolution were made by the representatives of Algeria, Saudi Arabia and the Syrian Arab Republic and the observer for Israel.

154. A statement in explanation of vote before the vote was made by the representative of Guatemala.

155. At the request of the representative of Guatemala, a recorded vote was taken on the draft resolution, which was adopted by 52 votes to 1, with no abstentions. The voting was as follows:

In favour: Algeria, Argentina, Armenia, Austria, Bahrain, Belgium, Brazil, Burundi, Cameroon, Canada, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Democratic Republic of the Congo, Ecuador, France, Germany, India, Indonesia, Italy, Japan, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Poland, Portugal,

Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Viet Nam and Zambia.

***Against*: Guatemala.**

***Abstaining*: None.**

156. For the text of the resolution, see chapter II, section A, resolution 2002/7.

IX. Question of the violation of human rights and fundamental freedoms in any part of the world, including:

(a) Question of human rights in Cyprus;

(b) Procedure established in accordance withEconomic and Social Council resolutions 1503 (XLVIII) and 2000/3

157. The Commission considered agenda item 9 and sub-item (*a*) at its 16th meeting, on 26 March, at its 18th meeting, on 27 March, at its 19th meeting, on 28 April, at its 23rd meeting, on 3 April, at its 31st and 32nd meetings, on 9 April, at its 47th and 48th meetings, on 19 April, at its 49th meeting, on 22 April, and at its 55th meeting, on 25 April 2002. Item 9 (*b*) was considered by the Commission in closed session (see paras..,...-... below).

158. For the documents issued under agenda item 9, see annex VI tothe present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

159. At the 16th meeting, on 26 March 2002, the Special Rapporteur on the situation on human rights in Afghanistan, Mr. Kamal Hossain, introduced his report (E/CN.4/2002/43).

160. At the 18th meeting, on 27 March 2002, the following special rapporteurs and special representatives introduced their reports:

(*a*) The Special Representative on the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia, Mr. José Cutileiro (E/CN.4/2002/41and Add.1);

(*b*) The Special Rapporteur on the situation on human rights in Iraq, Mr. Andreas Mavrommatis (E/CN.4/2002/44).

161. At the 19th meeting, on28 March 2002, the following special rapporteurs and special representatives introduced their reports:

(*a*) The Special Rapporteur on the situation of human rights in Myanmar, Mr. PauloSérgio Pinheiro (E/CN.4/2002/45);

(*b*) The Special Rapporteur on the situation of human rights in the Sudan, Mr. Gerhart Baum (E/CN.4/2002/46);

(*c*) Special Representative of the Commission on the situation of human rights in Equatorial Guinea, Mr. Gustavo Gallón (E/CN.4/2002/40);

(*d*) Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, Ms. Iulia-Antoanella Motoc (E/CN.4/2002/47).

162. At the 23rd meeting, on 3 April 2002, the following special rapporteurs and special representatives introduced their reports:

(*a*) Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran, Mr. Maurice Copithorne (E/CN.4/2002/42);

(*b*) Special Rapporteur on the situation of human rights in Burundi, Ms. Marie-Thérèse Kéita-Bocoum (E/CN.4/2002/49).

163. In the general debate on agenda item 9, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Human rights situation of the Lebanese detainees in Israel

164. At the 47th meeting, on 19 April 2002, the representative of Saudi Arabia introduced draft resolution E/CN.4/2002/L.15, sponsored by Algeria, Bahrain, Cuba, Egypt, Indonesia, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Morocco, Oman, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates, Viet Nam and Yemen. Pakistan and Togo subsequently joined the sponsors.

165. Statements in connection with the draft resolution were made by the observers for Israel and Lebanon.

166. At the request of the representatives of Canada and Guatemala, a recorded vote was taken on the draft resolution, which was adopted by 34 votes to 2, with 17 abstentions. The voting was as follows:

In favour:	Algeria, Argentina, Armenia, Bahrain, Brazil, Burundi, Chile, China, Cuba, Democratic Republic of the Congo, Ecuador, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.
Against:	Guatemala, Peru.
Abstaining:	Austria, Belgium, Cameroon, Canada, Costa Rica, Croatia, Czech Republic, France, Germany, Italy, Japan, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

167. At the 49th meeting, on 22 April 2002, statements in explanation of vote after the vote were made by the representatives of Canada and Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany,

Italy, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission - the Czech Republic and Poland aligned themselves with the statement).

168. For the text of the resolution, see chapter II, section A, resolution 2002/10.

Situation in Equatorial Guinea and assistance in the field of human rights

169. At the same meeting, the representative of Nigeria introduced draft resolution E/CN.4/2002/L.20, sponsored by Nigeria (on behalf of States members of the African Group).

170. The representative of Spain introduced proposed amendments (E/CN.4/2002/L.88) to draft resolution E/CN.4/2002/L.20, sponsored by Austria, Belgium, Finland, France, Germany, Ireland, the Netherlands, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. The proposed amendment read as follows:

"Replace operative paragraph 5 with the following new paragraph:

> '5. *Decides* to replace the mandate of the Special Representative of the Commission on the situation of human rights in Equatorial Guinea with a mandate for an independent expert, to be appointed by the Secretary-General, to monitor technical assistance provided to Equatorial Guinea, to maintain a dialogue with the Government of Equatorial Guinea on its human rights policies and to report to the Commission at its fifty-ninth session.'"

171. At the request of the representative of Spain, a recorded vote was held on the proposed amendment, which was rejected by 27 votes to 25, with 1 abstention. The voting was as follows:

In favour: Argentina, Armenia, Austria, Belgium, Brazil, Canada, Chile, Costa Rica, Croatia, Czech Republic, Ecuador, France, Germany, Guatemala, Italy, Japan, Malaysia, Mexico, Peru, Poland, Portugal, Republic of Korea, Spain, Sweden, Thailand, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Against: Algeria, Bahrain, Burundi, Cameroon, China, Cuba, Democratic Republic of the Congo, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Nigeria, Pakistan, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Togo, Uganda, Viet Nam, Zambia.

Abstaining: Venezuela.

172. Following the vote, an extensive procedural debate took place in connection with the voting procedure in which statements were made by Cuba, Ecuador, Malaysia, Pakistan and the Syrian Arab Republic. As a result of the debate, and in accordance with rule 55 of the rules of

procedure, the Commission proceeded to a vote on whether to reconsider the proposed amendment. The results were 33 in favour and 19 against, with 1 abstention. The voting was as follows:

In favour: Algeria, Bahrain, Brazil, Burundi, Cameroon, Chile, China, Cuba, Democratic Republic of the Congo, Guatemala, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Poland, Republic of Korea, Russian Federation, Saudi Arabia, Senegal,Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Venezuela, Viet Nam, Zambia.

Against: Argentina, Armenia, Austria, Belgium, Canada, Costa Rica, Croatia, Czech Republic, Ecuador, France, Germany, Italy, Japan, Mexico, Peru, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining: Portugal.

173. In accordance with the result of the vote under rule 55 of the rules of procedure, the Commission proceeded to vote again on the proposed amendment(E/CN.4/2002/L.88) todraft resolution E/CN.4/2002/L.20, which was defeated by 26 to 26 with 1 abstention. The voting was as follows:

In favour: Argentina, Armenia, Austria, Belgium, Brazil, Canada, Chile, Costa Rica, Croatia, Czech Republic, Ecuador, France, Germany, Guatemala, Italy, Japan, Mexico, Peru, Poland, Portugal, Republic of Korea, Spain, Sweden, Thailand, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Against: Algeria, Bahrain, Burundi, Cameroon, China, Cuba, Democratic Republic of the Congo, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Togo, Uganda, Viet Nam, Zambia.

Abstaining: Venezuela.

174. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

175. Also at the request of the representative of Nigeria, a recorded vote was taken on the draft resolution, which was adopted by32 votes to 1, with 20 abstentions. The voting was as follows:

In favour:	Algeria, Bahrain, Brazil, Burundi, Cameoon, China, Costa Rica, Cuba, Democratic Republic of the Congo, Guatemala, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Venezuela, Viet Nam, Zambia.
Against:	Mexico.
Abstaining:	Argentina, Armenia, Austria, Belgium, Canada, Chile, Croatia, Czech Republic, Ecuador, France, Germany, Italy, Japan, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay.

176. At the 49th meeting, on 22 April 2002, a statement in explanation of vote after the vote was made by the representative of Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the UnitedKingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission- the Czech Republic and Poland - aligned themselves with the statement).

177. For the text of the resolution, see chapter II, section A, resolution 2002/11.

Situation of human rights in Burundi

178. Also at the 47th meeting, the representative of Nigeria introduced draft resolution E/CN.4/2002L.22/Rev.1, sponsored by Nigeria (on behalf of the States members of the Group of African States).

179. A statement in connection with the draft resolution was made by the representative of Burundi.

180. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

181. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/12.

Situation of human rights in Zimbabwe

182. At the same meeting the representative of Spain (on behalf of the European Union) introduced draft resolution E/CN.4/2002/L.23, sponsored by Australia, Austria, Belgium,

Bulgaria, Canada, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Albania, Andorra, Cyprus, the Czech Republic, Guatemala, Lithuania and Slovenia subsequently joined the sponsors. The draft resolution read as follows:

"*The Commission on Human Rights,*

"*Reaffirming* that States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

"*Mindful* that Zimbabwe is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the African Charter on Human and Peoples' Rights,

"*Welcoming* the ongoing efforts to promote reconciliation in Zimbabwe, in line with the principles of the Harare Commonwealth Declaration of 1991,

"*Concerned* at violations of human rights by the Government of Zimbabwe,

"*Recognizing* that promotion and protection of all human rights, not only civil and political but also economic, social and cultural rights, is essential for achieving stability and security in the region,

"*Welcoming* efforts by the Southern Africa Development Community to address human rights problems in Zimbabwe,

"*Noting* the importance of fair, just and sustainable land reform, on the basis of the Abuja Agreement of 6 September 2001, and welcoming the ongoing efforts of the United Nations Development Programme in this regard,

"*Recognizing* the threat of HIV/AIDS to the economic and social development of Zimbabwe,

"1. *Expresses its concern* at:

"(*a*) The adverse impact of actions by the Government of Zimbabwe on the security of its citizens;

"(*b*) The continuing violations of human rights and attacks on fundamental freedoms, often committed with impunity by agencies and supporters of the Zimbabwean ruling party, and in particular condemns:

"(i) The role of the State-sponsored 'youth militia', socalled 'war veterans' and agencies of the State in the deaths of, among others, at least 100 supporters of the opposition Movement for Democratic Change since June 2000, particularly during the presidential election of March 2002;

"(ii) The occurrence of cases of enforced and involuntary disappearance, summary execution, kidnapping, torture, beating, harassment, arbitrary arrest and detention without trial, including of journalists, opposition politicians and their supporters and human rights defenders;

"(iii) Attacks on the independence of the judiciary and the rule of law;

"(iv) Cases of sexual and other forms of violence against women;

" (v) Racially-motivated intimidation of minority ethnic communities in Zimbabwe;

"*(c)* The violations of the freedoms of expression, opinion, association and assembly in Zimbabwe, as evidenced by the recent Public Order and Security Act and Access to Information Act, and the disregad by the executive of court rulings;

"*(d)* Acts of intimidation against, and persecution of, representatives of the Churches;

"2. *Urges* the Government of Zimbabwe:

"*(a)* To uphold its obligations under the International Covenants on Human Rights and other human rights treaties to which it is a party, including the African Charter on Human and Peoples' Rights;

"*(b)* To ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as soon as possible;

"*(c)* To cooperate fully with all relevant mechanisms of the Commission on Human Rights, including by inviting them to visit the country;

"*(d)* To ensure that all cases of alleged politically motivated killing, violence and harassment in Zimbabwe are investigated thoroughly and impartially with a view to preventing impunity;

"*(e)* To allow independent domestic and international civil society in Zimbabwe to operate without fear of harassment or intimidation;

"*(f)* To ensure the safety, security and freedom of movement of United Nations and associated personnel and unhindered access of humanitarian personnel to all affected populations throughout Zimbabwe;

"3. *Calls upon* the Government of Zimbabwe:

"*(a)* To comply fully with its international human rights obligations, to promote and protect human rights and fundamental freedoms throughout Zimbabwe and to fulfil its responsibility to prevent conditions that might lead to further flows of internally displaced persons within Zimbabwe and of refugees across its borders;

"*(b)* To fulfil its obligation to restore the rule of law and fundamental freedoms in Zimbabwe, in conformity with the International Covenant on Civil and Political Rights;

"*(c)* To put an end to impunity and to fulfil its responsibility to ensure that those responsible for human rights violations are brought to justice;

"*(d)* To create conditions that would allow for: the proper exercise of democratic rights in Zimbabwe; a genuine all-inclusive political process that fully reflects the aspirations of all people in the country; and free and fair elections;

"*(e)* To ensure full respect for freedom of opinion and expression, including freedom of the press in relation to all types of mass media, as well as freedom of association and assembly, throughout Zimbabwe;

"*(f)* To remove restrictions that prevent nongovernmental organizations from promoting human rights, and to promote human rights awareness by, inter alia, strengthening cooperation with civil society, including all human rights organizations;

"4. *Decides*:

"*(a)* To request the Special Rapporteurs on torture, on the independence of judges and lawyers, on freedom of opinion and expression, on extrajudicial, summary or arbitrary executions and on violence against women and the Special Representative of the Secretary-General on human rights defenders to carry out, in accordance with their methods of work and as soon as possible, missions, including possible joint missions, to examine alleged human rights violations in Zimbabwe and to report to the Commission at its fifty-ninth session;

"*(b)* To request the Secretary-General to give all necessary assistance to enable the Special Rapporteurs and the Special Representative to undertake these missions, and to discharge their mandates fully;

"*(c)* To request the High Commissioner for Human Rights to provide appropriate technical expertise to these missions to enable the Special Rapporteurs and Special Representative to fulfil their mandates;

"(*d*) To request the international communityto strengthen support for, and to expand cooperation with, human rights non-governmental organizations in Zimbabwe, including to facilitate the work of the relevant mechanisms of the Commission on Human Rights;

"(*e*) To continue its consideration of the situation of human rights in Zimbabwe at its fifty-ninth session under the same agenda item.

183. A statement in connection with the draft resolution was made by the representative of Nigeria.

184. Under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, the representative of Nigeria moved that the Commission take no decision on the draft resolution.

185. Statements in connection with that motion were made by the representatives of Algeria, Canada, China, Cuba, the Democratic Republic of the Congo, Kenya, the Libyan Arab Jamahiriya, Mexico, Senegal, Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the UnitedKingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission- the Czech Republic and Poland - aligned themselves with the statement) and the Syrian Arab Republic.

186. At the request of the representaive of Nigeria, a recorded vote was taken on the motion which was carried by 26 to 24, with 3 abstentions. The voting was as follows:

In favour: Algeria, Bahrain, Burundi, China, Cuba, Democratic Republic of the Congo, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Viet Nam, Zambia.

Against: Argentina, Armenia, Austria, Belgium, Canada, Chile, Costa Rica, Croatia, Czech Republic, Ecuador, France, Germany, Guatemala, Italy, Japan, Mexico, Peru, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining: Brazil, Cameroon, Venezuela.

Situation of human rights in parts of South-Eastern Europe

187. Also at the 47th meeting, the representative of Spain (on behalf of the European Union) introduced draft resolution E/CN.4/2002/L.24, sponsored by Austria, Belgium, Bulgaria, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Pakistan, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland,

the United Kingdom of Great Britain and Northern Ireland. Algeria, Andorra, Australia, Bosnia and Herzegovina, Canada, Cyprus, Japan, Liechtenstein, Malta, Poland and Yugoslavia subsequently joined the sponsors.

188. Statements in connection with the draft resolution were made by the observers for Bosnia and Herzegovina and The former Yugoslav Republic of Macedonia.

189. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

190. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/13.

Situation of human rights in the Democratic Republic of the Congo

191. At the same meeting, the representative of Spain (on behalf of the European Union) introduced draft resolution E/CN.4/2002/L.25/Rev.1, sponsored by Austria, Belgium, Bulgaria, Canada, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Albania, Andorra, Australia, Cyprus, the Czech Republic, Japan, Peru and Turkey subsequently joined the sponsors.

192. A statement in connection with the draft resolution was made by the representative of the Democratic Republic of the Congo.

193. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

194. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/14.

Situation of human rights in Iraq

195. Also at the 47th meeting, the representative of Spain (on behalf of the European Union) introduced draft resolution E/CN.4/2002/L.26, sponsored by Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Albania, Andorra, Cyprus, Israel, Japan, Peru, Poland and San Marino subsequently joined the sponsors.

196. At the 48th meeting, on 19 April 2002, statements in connection with the draft resolution were made by the observers for Iraq and Kuwait.

197. The representative for the Russian Federation introduced an amendment to draft resolution E/CN.42002/L.26, consisting of the deletion of operative paragraphs 2 and 3 (*a*), (*b*), (*e*) and (*f*).

198. Statements in explanation of vote before the vote were made by the representatives of Algeria, the Libyan Arab Jamahiriya, the Russian Federation, the Sudan and Viet Nam.

199. At the request of the Russian Federation a recorded vote was held on the proposed amendments, which were rejected by 28 votes to 9, with 15 abstentions. The voting was as follows:

In favour: Argentina, Armenia, Austria, Belgium, Brazil, Canada, Chile, Costa Rica, Croatia, Czech Republic, Democratic Republic of the Congo, Ecuador, France, Germany, Guatemala, Italy, Japan, Mexico, Peru, Poland, Portugal, Republic of Korea, Saudi Arabia, Senegal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Against: Algeria, China, Cuba, Libyan Arab Jamahiriya, Russian Federation, Sudan, Syrian Arab Republic, Togo, Viet Nam.

Abstaining: Bahrain, Burundi, Cameroon, India, Indonesia, Kenya, Malaysia, Nigeria, Pakistan, Sierra Leone,Swaziland, Thailand, Uganda, Venezuela, Zambia.

200. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

201. A recorded vote was taken on the draft resolution, which was adopted by 28 votes to 4, with 21 abstentions. The voting was as follows:

In favour: Argentina, Armenia, Austria, Belgium, Brazil, Canada, Chile, Costa Rica, Croatia, Czech Republic, Ecuador, France, Germany, Guatemala, Italy, Japan, Mexico, Peru, Poland, Portugal, Republic of Korea, Saudi Arabia, Senegal, Spain, Swaziland, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Against: Algeria, Libyan Arab Jamahiriya, Sudan, Syrian Arab Republic.

Abstaining: Bahrain, Burundi, Cameroon, China, Cuba, Democratic Republic of the Congo, India, Indonesia, Kenya, Malaysia, Nigeria, Pakistan, Russian Federation, Sierra Leone, SouthAfrica, Thailand, Togo, Uganda, Venezuela, Viet Nam, Zambia.

202. At the 49th meeting on 22 April 2002, statements in explanation of vote after the vote were made by the representatives of Saudi Arabia and the Syrian Arab Republic.

203. For the text of the resolution, seechapter II, section A, resolution 2002/15.

Situation of human rights in the Sudan

204. At the 48th meeting, the representative of Spain (on behalf of the European Union) introduced draft resolution E/CN.4/2002/L.27, sponsored by Australia, Austria, Albania, Belgium, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Andorra and Peru subsequently joined the sponsors.

205. At the same meeting, the representative of Spain orally revised operative paragraph 4 (j).

206. Statements in connection with the draft resolution were made by the representatives of Algeria, China, Cuba, the Libyan Arab Jamahiriya, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Spain (on behalf of the European Union) and the Syrian Arab Republic, and the observer for the Sudan.

207. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

208. Statements in explanation of vote before the vote were made by the representative of Uganda.

209. At the request of the representative of Pakistan, a recorded vote was taken on the draft resolution, as orally revised, which was adopted by 25 votes to 24, with 4 abstentions. The voting was as follows:

In favour: Argentina, Austria, Belgium, Brazil, Canada, Chile, Costa Rica, Croatia, Czech Republic, Ecuador, France, Germany, Guatemala, Italy, Japan, Mexico, Peru, Poland, Portugal, Republic of Korea, Spain, Sweden, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Against: Algeria, Bahrain, Burundi, Cameroon, China, Cuba, Democratic Republic of the Congo, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, Sudan, Swaziland, Syrian Arab Republic, Togo, VieNam, Zambia.

Abstaining: Armenia, South Africa, Thailand, Venezuela.

210. For the text of the resolution, see chapter II, section A, resolution 2002/16.

Cooperation with representatives of United Nations human rights bodies

211. At the 48th meeting, the observer for Hungary introduced draft resolution E/CN.4/2002/L.28, sponsored by Australia, Austria, Belgium, Brazil, Bulgaria, Cameroon, Canada, Chile, Croatia, Cyprus, Denmark, the Dominican Republic, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Nepal, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden, Turkey, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Albania, Andorra, Armenia, Costa Rica, Equatorial Guinea, Israel, the Republic of Moldova, San Marino, Switzerland, the United States of America and Yugoslavia subsequently joined the sponsors.

212. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/17.

Situation of human rights in the Republic of Chechnya of the Russian Federation

213. At the 48th meeting, the representative of Spain (on behalf of the European Union) introduced draft resolution E/CN.4/2002/L.29, sponsored by Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Liechtenstein, the Netherlands, New Zealand, Portugal, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Albania, Andorra, Australia, Bulgaria, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Norway, Poland, Slovakia, Slovenia, Turkey and the United States of America subsequently joined the sponsors. The draft resolution read as follows:

> "*The Commission on Human Rights*,
>
> "*Guided* by the purposes and principles of the Charter of the United Nations, in particular its Articles 55 and 56, as well as the provisions of the Universal Declaration of Human Rights,
>
> "*Guided also* by the provisions in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the European Convention on Human Rights, the Geneva Conventions of 12 August 1949, in particular common article 3 thereof, and Additional Protocol II thereto, of 8 June 1977, as well as other relevant instruments of international and regional human rights and humanitarian law to which the Russian Federation is a party,
>
> "*Recalling* the provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993, in particular Part I, paragraph 4, thereof,

"*Reaffirming* its resolutions 2000/58 of 25 April 2000 and 2001/24 of 20 April 2001, as well as earlier statements on the subject by the Chairperson of the Commission, of 27 February 1995 and 24 April 1996,

"*Acknowledging* the right of the Government of the Russian Federation to defend by all legitimate means its territorial integrity and to fight against terrorism and organized crime, and reaffirming the responsibility of the Government to protect its population, including the population of the Republic of Chechnya and neighbouring republics and regions of the Russian Federation, from terrorist attacks,

"*Recalling* that military actions and the fight against terrorism must be conducted in accordance with the rule of law and with the utmost respect for human rights and international humanitarian law,

"*Deeply concerned* at reports of continued violations of human rights and humanitarian law in the Republic of Chechnya of the Russian Federation, in particular forced disappearances, extrajudicial, summary or arbitrary executions, torture, ill-treatment and arbitrary detentions, as well as reports indicating disproportionate and indiscriminate use of Russian military force,

"*Deeply concerned also* at reports of attacks against civilians, terrorist acts and serious breaches of international humanitarian law, as well as other crimes and abuses, committed by Chechen fighters,

"*Deploring* the large number of victims and displaced persons, and the suffering inflicted on the civilian population by all parties, including the serious and systematic destruction of installations and infrastructure, contrary to international humanitarian law, and expressing concern about the spillover effects of the conflict to other republics of the Russian Federation and neighbouring countries,

"1. *Expresses its appreciation* for the report of the United Nations High Commissioner for Human Rights (E/CN.4/2002/38) and takes note of the information provided by the Government of the Russian Federation;

"2. *Deplores* the rejection by the Russian Federation of Commission resolutions 2000/58 and 2001/24, as well as its failure to comply with the recommendations contained therein, and reaffirms its obligation to cooperate and promote universal respect for and observance of human rights and fundamental freedoms under the Charter of the United Nations and to complywith the international human rights and humanitarian instruments to which it is a party;

"3. *Expresses its deep concern* about the security situation in the Republic of Chechnya of the Russian Federation, which is still characterized by ongoing clashes in some parts of the Republic as well as widespread violence against civilians and which, inter alia, seriously hampers humanitarian relief efforts;

"4. *Calls upon* all parties to the conflict to take immediate steps to halt the ongoing fighting and the disproportionate and indiscriminate use of force, and to seek as a matter of urgency a negotiated political solution with the aim of achieving a peaceful outcome to the crisis which fully respects the sovereignty and territorial integrity of the Russian Federation;

"5. *Welcomes*:

"(*a*) The initiative of the President of the Russian Federation on 24 September 2001, offering a dialogue with militant groups in Chechnya and the subsequent meeting between Russian and Chechen representatives in Moscow on 18 November 2001;

"(*b*) The proposal of the Government of the Russian Federation to establish a Council for the Protection of Human Rights in the Republic of Chechnya of the Russian Federation, including representatives of the lawenforcement agencies, the Prosecutor's Office, the local Chechen authorities and non-governmental organizations;

"(*c*) The work of the Office of the Special Representative of the President of the Russian Federation for the Promotion of Human and Civil Rights in the Chechen Republic and the continued contribution of experts of the Council of Europe to this Office;

"(*d*) The efforts by the Government of the Russian Federation to normalize civilian life and to re-establish social institutions, in particular the construction of new buildings and infrastructure aimed at facilitating the return of displaced persons, while encouraging it to step up efforts to implement fully its long-announced rehabilitation programme for Chechnya;

"(*e*) The cooperation of the Russian Federation with the Officeof the United Nations High Commissioner for Human Rights, the establishment of the Joint Working Group of the Russian State Duma and the Parliamentary Assembly of the Council of Europe, the return of the Organization for Security and Co-operation in Europe Assistance Group to the Republic of Chechnya of the Russian Federation and the continued cooperation between Russian authorities and international and regional humanitarian organizations, including the International Committee of the Red Cross, on access to detention centres in the Republic of Chechnya and other regions of the Russian Federation;

"(*f*) The invitation extended to the Special Rapporteur on violence against women and the Special Representative of the Secretary-General for Children and Armed Conflict to visit the North Caucasus region of the Russian Federation and expresses the hope that these visits will take place in the near future;

"6. *Expresses its concern*:

"*(a)* About the deteriorating humanitarian situation of internally displaced persons in the Republic of Chechnya and neighbouring republics of the Russian Federation;

"*(b)* Over the situation in detention centres and continued reports on ad hoc detention locations and 'temporary filtration points', including failure to register all detainees properly;

"*(c)* At the slow pace of investigations of alleged serious violations of human rights and international humanitarian law by Russian forces, and notes with concern that very few such cases have reached the judicial system, as well as he large number of suspended cases;

"7. *Strongly condemns*:

"*(a)* The ongoing violations of international human rights law in the Republic of Chechnya of the Russian Federation, including forced disappearances, extrajudicial, summary or arbitrary executions, torture, ill-treatment, arbitrary detentions, and continued abuses and harassment at checkpoints and during sweep operations perpetrated by members of the Russian security forces, and alleged violations of international humanitarian law, especially the disproportionate and indiscriminate use of military force by the Russian security forces and army, including against civilians;

"*(b)* All terrorist attacks, kidnappings and public executions committed in the Republic of Chechnya of the Russian Federation, as well as violations of humanitarian law perpetrated by Chechen fighters, such as hostagetaking, torture and the indiscriminate use of landmines, booby-traps and other explosive devices aimed at causing widespread civilian casualties;

"8. *Calls upon* the Government of the Russian Federation:

"*(a)* Urgently to take all necessary measures to stop and prevent violations of human rights and international humanitarian law in the Republic of Chechnya of the Russian Federation and to ensure that all alleged violations perpetrated by, inter alia, members of federal forces, federal servicemen and personnel of lawenforcement agencies, in particular all cases of forced disappearance, extrajudicial, summary or arbitrary execution, torture, illtreatment and arbitrary detention, are investigated systematically, fully, credibly and promptly, and to ensure that criminal prosecutions are undertaken in a timely manner and perpetrators sanctioned;

"*(b)* Fully to respect its obligations under international humanitarian law, especially article 3 common to the four Geneva Conventions of 12 August 1949, and Additional Protocol II thereto of 8 June 1977;

"*(c)* To implement the recommendation, contained in previous resolutions of the Commission, to establish, in accordance with the recognized international standards, a national broad-based and independent commission of inquiry to investigate promptly

alleged violations of human rights and breaches of international humanitarian law committed in the Republic of Chechnya of theRussian Federation;

"(*d*) To cooperate with the special mechanisms of the Commission and give favourable consideration to the request for invitations that have been issued by the Special Rapporteurs on the question of torture and on extrajudicial, summary or arbitrary executions and the Representative of the Secretary-General on internally displaced persons;

"(*e*) To extend the access of international and regional organizations, in particular the International Committee of the Red Cross, to all detention centres in order to ensure that all detainees are treated in conformity with international humanitarian law;

"(*f*) To take appropriate measures to ensure the protection of the internally displaced persons, to provide them with the basic necessities for dily subsistence and to create the necessary security conditions in order to allow their voluntary return in safety and with dignity;

"(*g*) Fully to cooperate with the humanitarian organizations, to ensure these organizations free, unimpeded and secure access to those in need in the Chechen and neighbouring republics of the Russian Federation, to facilitate their working conditions and the delivery of humanitarian assistance, to improve security for humanitarian staff and to allow them access to a relevant radio communication network;

"(*h*) Not to hinder the rights to freedom of movement and to choose residence freely and to recognize those rights, in respect of all persons, including those of Chechen origin;

"(*i*) To implement Order No. 80 of 27 March 202 issued by Lieutenant General Moltenskoi, Commander of the Combined Forces in the North Caucasus, on the conduct of sweep operations;

"9. Encourages the Government of the Russian Federation to avail itself of the technical assistance programme of the Office of the High Commissioner for Human Rights to improve the human rights situation and invites the Government to consider expanding the technical assistance programme on human rights education undertaken with the Office of the United Nations High Commissioner for Human Rights;

"10. Requests the Government of the Russian Federation to continue to disseminate among all State organs, particularly the military, the basic principles of human rights and international humanitarian law and to ensure that they have knowledge of these principles at all levels;

"11. Requests the High Commissioner for Human Rights to keep the Commission and the General Assembly informed about the human rights situation in the Republic of Chechnya of the Russian Federation and toreport to the Commission at its fifty-ninth session."

214. Statements in connection with the draft resolution were made by the representatives of China, Cuba, India, the Libyan Arab Jamahiriya, Russian Federation and the Syrian Arab Republic.

215. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

216. At the request of the representative of the Russian Federation, a recorded vote was taken on the draft resolution, which was rejected by 15 votes to 16, with 22 abstentions. The voting was as follows:

In favour: Austria, Belgium, Canada, Costa Rica, Czech Republic, France, Germany, Guatemala, Italy, Mexico, Poland, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

Against: Armenia, Burundi, China, Cuba, Democratic Republic of the Congo, India, Indonesia, Kenya, Nigeria, Russian Federation, Sudan, Swaziland, Syrian Arab Republic, Togo, Venezuela, Viet Nam.

Abstaining: Algeria, Argentina, Bahrain, Brazil, Cameroon, Chile, Croatia, Ecuador, Japan, Libyan Arab Jamahiriya, Malaysia, Pakistan, Peru, Republic of Korea, Saudi Arabia, Senegal, Sierra Lone, South Africa, Thailand, Uganda, Uruguay, Zambia.

217. At the 49th meeting, on 22 April 2002, a statement in explanation of vote after the vote was made by the representative of Chile.

Situation of human rights in Cuba

218. At the 48th meeting, on 19 April 2002, the representative of Uruguay introduced draft resolution E/CN.4/2002/L.30, sponsored by Argentina, Canada, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Peru and Uruguay. Albania, Australia, Bulgaria, Costa Rica, the Czech Republic, Denmark, Finland, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lithuania, the Netherlands, Norway, Paraguay, Poland, Slovakia, Slovenia, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

219. Statements in connection with the draft resolution were made by the representatives of Brazil, Canada, Cuba, Ecuador, Guatemala, Spain and Peru.

220. Under rule 65, paragraph 2, of the rules of procedures of the functional commissions of the Economic and Social Council, the representative of China moved that the Commission take no decision on the draft resolution.

221. Statements in connection with that motion were made by the representatives of Algeria, Burundi, Canada (also on behalf of Australia), Indonesia, the Libyan Arab Jamahiriya,

Peru, theRussian Federation, Spain (on behalf of the European Union), the Sudan, the Syrian Arab Republic, Uruguay, Venezuela and Viet Nam.

222. At the request of the representative of China, a recordd vote was taken on the motion which was rejected by 24 votes to 24, with 5 abstentions. The voting was as follows:

In favour: Algeria, Bahrain, Burundi, China, Cuba, Democratic Republic of the Congo, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Russian Federation, Saudi Arabia, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Venezuela, VieNam, Zambia.

Against: Argentina, Austria, Belgium, Cameroon, Canada, Chile, Costa Rica, Croatia, Czech Republic, Ecuador, France, Germany, Guatemala, Italy, Japan, Mexico, Peru, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining: Armenia, Brazil, Senegal, Sierra Leone, Uganda.

223. At the same meeting, an extensive procedural debate took place in connection with the voting procedure. Statements were made by the representatives of Cuba, the Democratic Republic of the Congo, South Africa, the Syrian Arab Republic and Uruguay.

224. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

225. At the request of the representative of Cuba, a recorded vote was taken on the draft resolution, which was adopted by 23 votes to 21, with 9 abstentions. The voting was as follows:

In favour: Argentina, Austria, Belgium, Cameroon, Canada, Chile, Costa Rica, Croatia, Czech Republic, France, Germany, Guatemala, Italy, Japan, Mexico, Peru, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Against: Algeria, Bahrain, Burundi, China, Cuba, Democratic Republic of the Congo, India, Indonesia, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Russian Federation, Saudi Arabia, South Africa, Sudan, Syrian Arab Republic, Togo, Venezuela, Viet Nam, Zambia.

Abstaining: Armenia, Brazil, Ecuador, Kenya, Senegal, Sierra Leone, Swaziland, Thailand, Uganda.

226. At the 49th meeting, on 22 April 2002, statements in explanation of vote after the vote were made by the representatives of Chile and Venezuela.

227. For the text of the resolution see chapter II, section A, resolution 2002/18

Situation of human rights in East Timor

228. At the 48th meeting, the Chairperson, on behalf of the Commission, made a statement concerning the situation of human rights in East Timor. For the text, see paragraph ... below.

Situation of human rights in Afghanistan

229. At the 49th meeting, on 22 April 2002, the Chairperson introduced draft resolution E/CN.4/2002/L.31.

230. Statements in connection with the draft resolution were made by the representative of Pakistan and the observer for Afghanistan.

231. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

232. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/19.

Situation of human rights in the Islamic Republic of Iran

233. At the same meeting, the representative of Spain (on behalf of the European Union) introduced draft resolution E/CN.4/2002/L.33, sponsored by Austria, Belgium, Bulgaria, Canada, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Andorra, Australia, the Czech Republic, Israel, Latvia and San Marino subsequently joined the sponsors. The draft resolution read as follows:

> "*The Commission on Human Rights,*
>
> "*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,
>
> "*Reaffirming* that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and fulfil the obligations they have undertaken under the various international instruments in this field,
>
> "*Mindful* that the Islamic Republic of Iran is a party to the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child,

"*Recalling* previous resolutions of the General Assembly and its own resolutions on the subject, the most recent of which are Assembly resolution 56/171 of 19 December 2001 and Commission resolution 2001/17 of 20 April 2001,

"1. *Welcomes*:

"(*a*) The report of the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran (E/CN.4/2002/42);

"(*b*) The broad participation in the elections held since 1997;

"(*c*) The reports that religion will no longer be requested in the registration of births, marriages, divorces or deaths;

"(*d*) The positive developments regarding the situation of Iranian children in the fields of education, health and juvenile justice, as reported by the United Nations Children's Fund and the Special Representative;

"(*e*) The process of legal reforms in the Islamic Republic of Iran, and in particular those affecting juvenile justice and the process of elaboration of a law protecting minors, and encourages the Government of Iran to continue this trend;

"(*f*) The re-establishment of the Human Rights Commission of the Majlis, and expresses the hope that it will complement the work carried out by the Islamic Human Rights Commission in order to improve the human rights situation in the Islamic Republic of Iran;

"(*g*) The public and serious debate which is taking place within society and in the media on the validity and utility of the imposition of public flogging and other harsh punishments;

"(*h*) Moves by the Majlis to enforce article 38 of the Constitution, which prohibits torture, and expresses the hope that this will lead to a marked improvement in the treatment of detainees;

"2. *Notes*:

"(*a*) The efforts made by the Islamic Republic of Iran to strengthen respect for human rights in the country;

"(*b*) The assessment of the Special Representative that certain improvements have taken place in areas such as women's education, democratic participation and health and that the trend is now irreversible, and hopes that this trend will be further consolidated and also encompass other areas during the coming year;

"(*c*) The establishment of the National Committee for the Promotion of Human Rights of Religious Minorities;

"3. *Notes with concern*:

"(*a*) The continuing human rights violations in the Islamic Republicof Iran;

"(*b*) The failure to comply fully with international standards in the administration of justice and the absence of guarantees of due process of law and respect for internationally recognized legal safeguards, inter alia, with respect to persons belonging to religious minorities;

"(*c*) The occurrence of cases of disappearance;

"(*d*) The systematic discrimination against women and girls in law and in practice, and the recent rejection of a bill to raise the age of marriage for women;

"(*e*) That all the circumstances surrounding the killings of intellectuals and political activists at the end of 1998 and beginning of 1999 have still not been fully clarified, and urges the Government of the Islamic Republic of Iran to continue the process of investigation and to bring the alleged perpetrators to justice in accordance with due process of law;

"4. *Deeply regrets* that, since 1996, no invitation has been extended by the Government of the Islamic Republic of Iran to the Special Representative to visit the country;

"5. *Expresses its concern* at:

"(*a*) The deterioration of the situation with regard to freedom of opinion and expression, especially attacks against the freedom of the press, the imprisonment of journalists, students, intellectuals, political activists and members of the Iran Freedom Movement and the group known as the religious nationalists, the imprisonment in December 2001 of a member of Parliament and the sentencing of others for critical remarks made in the course of the exercise of their duties, and the harsh reactions to demonstrations, including the imprisonment and mistreatment of demonstrators, and urges all the authorities of the Islamic Republic of Iran to ensure full respect for freedom of expression;

"(*b*) The continued executions in the apparent absence of respect for internationally recognized safeguards, in particular public and especially cruc executions, such as by stoning;

"(*c*) The use of torture and other forms of cruel, inhuman or degrading punishment, in particular the practice of amputation and flogging;

"(*d*) The continuing discrimination against persons belonging to religious minorities, in particular against the Baha'is, Christians, Jews and Sunnis, as well as the situation faced by persons belonging to ethnic minorities, such as Azeris and Kurds;

"6. *Calls upon* the Government of the Islamic Republic of Iran:

"*(a)* To abide by its freely undertaken obligations under the International Covenants on Human Rights and under other international instruments on human rights and to continue its efforts to consolidate respect for human rights and the rule of law;

"*(b)* To take further measures to ensure full and equal enjoyment by women and girls of their human rights and to undertake major educational programmes to promote women's rights;

"*(c)* To implement the recommendations made by the Committee on the Rights of the Child in its report on its twenty-fourth session (CRC/C/97, paras. 226) as a matter of priority, as well as to consider ratifying the 1999 Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) of the International Labour Organization;

"*(d)* To cooperate with United Nations human rights mechanisms, in particular by inviting the Special Representative to visit the country so that he may study the evolution of the human rights situation in the country, including through direct contacts with all sectors of society, and to make full use of technical cooperation programmes in the field of human rights;

"*(e)* To expedite the judicial reform, to guarantee the dignity of the individual and to ensure the full application of due process of law and fair and transparent procedures by an independent and impartial judiciary and, in this context, to ensure respect for the rights of the defence and the equity of verdicts in all instances, including for members of religious minority groups;

"*(f)* To enact as soon as possible meaningful legislation to ensure that people are not punished for exercising their political freedoms;

"*(g)* To give effect, in the near future, to its invitation to the Working Group on Enforced or Involuntary Disappearances to visit the Islamic Republic of Iran, as well as to consider extending invitations to other relevant thematic mechanisms to visit the country;

"*(h)* To eliminate all forms of discrimination based on religious grounds or against persons belonging to minorities and to address this matter in an open manner with the full participation of the minorities themselves, as well as to implement fully the conclusions and recommendations of the Special Rapporteur on religious intolerance relating to the Baha'is and other minority groups until they are completely emancipated;

"*(i)* To end the imposition of the death penalty for crimes committed by persons under the age of 18, in particular in accordance with the obligations it has assumed, to ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the obligations it has assumed under the International Covenant on Civil and Political Rights and United Nations safeguards and to provide the Special Representative with relevant statistics on this matter;

"*(j)* To ensure full respect for freedom of expression;

"*(k)* To take all necessary steps to end the use of torture and other forms of cruel, inhuman or degrading punishment, in particular the practice of amputation and flogging, and to carry out penitentiary reform;

"7. *Requests* the Secretary-General to continue to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully;

"8. *Decides*:

"*(a)* To extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year and requests the Special Representative to submit an interim report to the General Assembly at its fifty-seventh session and to report to the Commission at its fifty-ninth session, and also to keep a gender perspective in mind when seeking and analysing information;

"*(b)* To continue its examination of the situation of human rights in the Islamic Republic of Iran, paying particular attention to further developments, including the situation of the Baha'is and other minority groups, at its fifty-ninth session."

234. Statements in connection with the draft resolution were made by the representatives of Pakistan (on behalf of the Organization of the Islamic Conference) and the observer for the Islamic Republic of Iran.

235. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

236. A statement in explanation of vote before the vote was made by the representatives of Algeria, China, Cuba, the Libyan Arab Jamahiriya, the Sudan and the Syrian Arab Republic.

237. At the request of the representative of Pakistan, a recorded vote was taken on the draft resolution, which was rejected by 19 votes to 20, with 14 abstentions. The voting was as follows:

In favour: Argentina, Austria, Belgium, Canada, Costa Rica, Croatia, Czech Republic, Ecuador, France, Germany, Italy, Japan, Mexico, Peru, Poland, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

Against: Algeria, Armenia, Bahrain, China, Cuba, Democratic Republic of the Congo, India, Indonesia, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Russian Federation, Saudi Arabia, Senegal, Sudan, Syrian Arab Republic, Togo, Venezuela, Viet Nam.

Abstaining: Brazil, Burundi, Cameroon, Chile, Guatemala, Kenya, Republic of Korea, Sierra Leone, South Africa, Swaziland, Thailand, Uganda, Uruguay, Zambia.

238. Statements in explanation of vote after the vote were made by the representatives of Brazil, Chile and Thailand.

Situation of human rights in Sierra Leone

239. At the 49th meeting, on 22 April 2002, the representative of Canada introduced draft resolution E/CN.4/2002/L.34, sponsored by Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, the Netherlands, New Zealand, Niger, Nigeria, Norway, Poland, Portugal, Romania, Sierra Leone, Spain, the Sudan, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Albania, Cyprus, Malta and Peru subsequently joined the sponsors.

240. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

241. The draft resolution was adopted without a vote. For the text see chapter II, section A, resolution 2002/20.

Situation of human rights in Myanmar

242. At the 55th meeting, on 25 April 2002, the representative of Spain (on behalf of the European Union) introduced draft resolution E/CN.4/2002/L.32, sponsored by Australia, Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Monaco, the Netherlands, New Zealand, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Albania, Andorra, Canada, Guatemala, Liechtenstein, Malta, Norway, Peru, the Republic of Korea, San Marino, Switzerland, Turkey and the United States of America subsequently joined the sponsors.

243. The representative of Spain introduced the following revisions:

(*a*) Deletion of the eighth preambular paragraph and operative paragraph 8 (*a*);

(*b*) Addition of a new final preambular paragraph; new operative paragraphs 2 (*h*) and (*l*); and a new operative paragraph 4 (*a*);

(*c*) Changes to the sixth preambular paragraph; operative paragraphs 4*d*), (*g*) and (*h*); operative paragraph 5 (*d*); and operative paragraphs 7*n*) and (*o*) the paragraph numbers referring to the paragraphs as renumbeed following the insertions anddeletion.

244. Statements in connection with the draft resolution were made by the representatives of India, Malaysia (on behalf of the Association of South East Asian Nations), Pakistan and the Sudan, and the observer for Myanmar.

245. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution

246. The draft resolution was adopted without a vote. For the text see chapter II, section A, resolution 2002/67.

247. At the same meeting, the representatives of China and Japan made statements in explanation of the position of their delegations.

(*a*) Question of human rights in Cyprus

248. At the 48th meeting, on 19 April 2002, the Chairperson introduced a draft decision on the question of human rights in Cyprus.

249. The draft decision was adopted without a vote. For the text see chapter II, section B, decision 2002/104.

(*b*) Procedure established in accordance with Economic and Social Council resolutions 1503 (XLVIII) and 2000/3

250. The Commission considered agenda item 9 (b) in seven closed meetings pursuant to paragraph 7 of Economic and Social Council resolution 2000/3 of 16 June 2000 at its 18th meeting on 27 March, at its 20th meeting, on 28 March, at its 23rd and 24th meetings, on 3 April, at its 25th and 26th meetings, on 4 April, at its 27th meeting, on 5 April 2002 (closed part) and at its 29th meeting, on 8April 2002. It had before it for consideration the situation of human rights in Chad, Liberia, Nigeria, Togo and Zambia, as publicly announced by the Chairperson. The Chairperson also announced publicly that the Commission had decided to discontinue consideration of the situation of human rights in Nigeria, Togo and Zambia.

251. The Commission decided at its 27th (closed) meeting that its decision concerning the interaction between the secretariat of the 1503 procedure and the Division for the Advancement of Women should be made public as decision 2002/102 of the Commission on Human Rights.

252. The Chairperson reminded the members of the Commission that, in conformity with paragraph 9 of Economic and Social Council resolution 2000/3, they should not make any reference in public debate to the confidential decisions taken under that resolution or to any confidential material relating thereto.

253. The Chairperson also stated publicly, at the request of the Chairperson/Rapporteur of the Working Group on Situations, that the Working Group had noted that there had been no replies from several of the Governments concerned when the Working Group on Communications of the Sub-Commission on the Promotion and Protection of Human Rights took its decisions in August 2000. The Working Group on Situations, therefore, wished to underline the importance of Governments replying at all stages of the procedure established pursuant to resolution 1503 (XLVIII) of the Economic and Social Council, namely to the Working Group on Communications, the Working Group on Situations and the Commission on Human Rights, and considered the timely submission of replies to be essential to its functioning and effectiveness.

254. In accordance with rule 21 of the rules of procedure of the functional commission of the Economic and Social Council, and after consultations with the regional groups, the Chairperson would designate five members of the Commission to serve in their personal capacity on the Working Group on Situations, which would meet prior to the fifty-ninth session of the Commission in 2003.

Chairperson's statement

255. During the consideration of agenda item 9, the Chairperson made a statement, the text of which reads as follows:

"Situation of human rights in East Timor

"1. The Commission recalls the Chairperson's statements on the situation in East Timor made at previous sessions, which were the result of constructive discussions, in particular the statement at its fifty-seventh session, and takes note of the report of the High Commissioner for Human Rights on the situation of human rights in East Timor (E/CN.4/2002/39) submitted to the Commission at its fifty-eighth session, the report of the High Commissioner for Human Rights to the General Assembly (A/56/337), the reports of the Secretary-General to the Security Council (S/2001/983 and Corr.1 and S/2002/80 and Corr.1) and the statements of the President of the Security Council (S/PRST/2001/23 and S/PRST/2001/32).

"2. The Commission acknowledges relevant Security Council and other United Nations resolutions on the situation in East Timor.

"3. The Commission expresses its acknowledgement to the Special Representative of the Secretary-General for East Timor and to the United Nations Transitional Administration in East Timor (UNTAET), for the work carried out in the transition to independence.

"4. The Commission warmly welcomes the forthcoming independence of East Timor and encourages the future East Timorese Government to continue to build on human rights achievements and in particular to sign and ratify international human rights treaties as soon as possible, including international conventions concerning refugees. The Commission welcomes the fact that the new Constitution gives primacy to the protection of human rights and incorporates fundamental rights in line with the Universal

Declaration of Human Rights. The Commission urges the future Government of East Timor to ensure that all legislation that will be adopted from the beginning of its mandate will be consistent with international human rights standards.

"5. The Commission emphasizes that on 1 November 2001 an East Timorese Adviser on Equality, reporting directly to the Chief Minister, assumed her duties. The Commission assesses that the Adviser and her Office have taken on the functions related to the UNTAET Gender Affairs Unit, thus being devoted to giving support to the formulation and implementation of official policies concerning the equality of men and women, designing strategies and methodologies in this regard and promoting coordination and cooperation in the central Government and the districts.

"6. The Commission welcomes the steps taken by the judicial system in East Timor concerning the indictment and judging of suspects accused of crimes against humanity and other serious crimes committed during the violence in 1999. It encourages further efforts in this regard and reiterates the need for continuing international assistance for strengthening of the justice system in East Timor, in order to allow it fully to promote the protection of human rights, carrying on with the investigations and addressing also domestic violence and the protection of religious and ethnic minorities. It welcomes the establishment of the Commission for Reception, Truth, and Reconciliation, and emphasizes, without prejudice efforts to address impunity through judicial remedies, the relevance of the reconciliation process and the promotion and protection of human rights for the social and political stability in East Timor.

"7. The Commission recalls and reaffirms the Chairperson's statements on the situation of human rights in East Timor made at previous sessions and in this connection welcomes the important steps taken by the Government of Indonesia to bring to justice the perpetrators of cases of gross human rights violations in East Timor in the period leading up to and immediately following the popular consultation held in August 1999, notably the establishment and the commencement of the work of the Ad Hoc Human Rights Court. The Commission recalls the commitment of the Government of Indonesia to bring to justice, in the context of respect for international standards of justice and fairness, those responsible for violations of human rights and humanitarian law in East Timor. The Commission encourages the Government of Indonesia to take further steps in the investigation of the murder of journalist Sander Thoenes and expresses the hope that the perpetrators of the murder will be brought to trial.

"8. In this regard, it underlines the importance of bilateral international assistance, as well as of technical cooperation, between the Government of Indonesia and the Office of the High Commissioner for Human Rights, to enhance the capacity of the human rights courts. The Commission welcomes the agreement of the UNTAET/East Timorese authorities and the Government of Indonesia to strengthen ongoing cooperation on judicial matters and reiterates the importance of such cooperation. It commends the efforts by the Government of Indonesia and the United Nations Office for the Coordination of Humanitarian Affairs to find an early, durable and comprehensive

solution to the question of East Timorese refugees in West Timor, East Nusa Tenggara Province, in particular through the Government of Indonesia/United Nations Joint Appeal launched on 27 November 2001 which refers, inter alia, to the ongoing voluntary repatriation programme.

"9. The Commission decides to keep these matters under consideration and requests the High Commissioner for Human Rights to submit an interim report to the General Assembly at its fifty-seventh session and to report to the Commission at its fifty-ninth session on this question."

X. Economic, social and cultural rights

256. The Commission considered agenda item 10 at its 25th meeting, on 4 April 2002, at its 32nd to 35th meetings, on 9 to 11 April 2002, on its 49th meeting, on 22 April 2002, and at its 51st meeting, on 23 April 2002.

257. For the documents issued under agenda item 10, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

258. At the 25th meeting, on 4 April 2002, the following independent experts, special rapporteurs and special representatives introduced their reports:

(*a*) The Special Rapporteur on the right to food, Mr. Jean Ziegler (E/CN.4/2002/58 and Add.1);

(*b*) The independent expert on human rights and extreme poverty, Ms. Anne-Marie Lizin (E/CN.4/2002/55 and Add.1 and 2);

(*c*) The Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Ms. Fatma Zohra Ouhachi-Vesely (E/CN.4/2002/61);

(*d*) The Special Rapporteur on the right to education, Ms. Katarina Tomasevski (E/CN.4/2002/60 and Add.1 and 2).

259. At the 32nd meeting, on 9 April 2002, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Mr. Miloon Kothari, introduced his report (E/CN.4/2002/59 and Add.1 and 2).

260. At the same meeting, a statement was read out by a member of the secretariat on behalf of the independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, in particular economic, social and cultural rights, Mr. Bernards Andrew Nyamwaya Mudho, in connection with his report (E/CN.4/2002/56).

261. At the same meeting, a statement was read out by a member of the secretariat on behalf of the independent expert to examine the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, Mr. Hatem Kotrane, in connection with his report (E/CN.4/2002/57).

262. In the general debate on agenda item 10, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Adequate housing as a component of the right to an adequate standard of living

263. At the 49th meeting, on 22 April 2002, the representative of Germany introduced draft resolution E/CN.4/2002/L.18, sponsored by Albania, Belgium, Bulgaria, Cameroon, Denmark, Ecuador, Finland, France, Georgia, Germany, Guatemala, Ireland, Italy, Kenya, Luxembourg, Mexico, the Netherlands, Nicaragua, Poland, Portugal, Romania, Senegal, Slovenia, South Africa, Spain, Switzerland, The former Yugoslav Republic of Macedonia and Tunisia. Afghanistan, Algeria, Sweden and Uruguay subsequently joined the sponsors.

264. At the same meeting, the representative of Germany orally revised operative paragraph 2.

265. The draft resolution was adopted, as orally revised, without a vote. For the text see chapter II, section A, resolution 2002/21.

Human rights and unilateral coercive measures

266. Also at the 49th meeting, the representative of South Africa introduced draft resolution E/CN.4/2002/L.35, sponsored by South Africa (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries and China). Armenia and Malaysia subsequently joined the sponsors.

267. At the request of the representative of Canada, a recorded vote was taken on the draft resolution, which was adopted by 38 votes to 6, with 9 abstentions. The voting was as follows:

In favour:	Algeria, Argentina, Armenia, Bahrain, Brazil, Burundi, Cameroon, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, Guatemala, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.
Against:	Canada, Croatia, Germany, Japan, Sweden, United Kingdom of Great Britain and Northern Ireland.
Abstaining:	Austria, Belgium, Czech Republic, France, Italy, Poland, Portugal, Republic of Korea, Spain.

268. For the text of the resolution see chapter II, section A, resolution 2002/22.

Promotion of the realization of the right to drinking water and sanitation

269. Also at the 49th meeting, the representative of the United Kingdom of Great Britain and Northern Ireland withdrew draft decision E/CN.4/2002/L.37, sponsored by the United Kingdom of Great Britain and Northern Ireland and replacing draft decision 1 recommended by the Sub-Commission on the Promotion and Protection of Human Rights. The draft decision read as follows:

> "The Commission on Human Rights, taking note of resolution 2001/2 of 10 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, decides to request the Sub-Commission at its fifty-fourth session to review the terms of reference for the proposed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation."

270. In the view of the withdrawal of E/CN.4/2002/L.37, the Commission took action on draft decision 1, recommended by the SubCommission on the Promotion and Protection of Human Rights for adoption by the Commission (see E/CN.4/2002/2-E/CN.4/Sub.2/2001/40, chap. I).

271. Statements in relation to the draft decision were made by the representatives of Canada and Cuba.

272. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

273. At the request of the representative of Canada, a recorded vote was taken on the draft decision, which was adopted by 37 to1, with 15 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Bahrain, Brazil, Burundi, Cameroon, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, Guatemala, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, SouthAfrica, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.

Against: Canada.

Abstaining: Armenia, Austria, Belgium, Croatia, Czech Republic, France, Germany, Italy, Japan, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

274. For the text of the decision, see chapter II, section B, decision 2002/105.

The Social Forum

275. Also at the 49th meeting, on 22 April 2002, the representative of the United Kingdom of Great Britain and Northern Ireland introduced draft decision E/CN.4/2002/L.38, sponsored by the United Kingdom of Great Britain and Northern Ireland and replacing draft decision2 recommended by the Sub-Commission on the Promotion and Protection of Human Rights. The draft decision read as follows:

> **"The Commission on Human Rights, recalling its decision 2001/103 of 23 April 2001 and taking note of resolution 2001/24 of 16 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, authorizes the Sub-Commission to hold a forum on economic, social and cultural rights, to be known as the Social Forum, with the participationof members of the Sub-Commission, during its fifty-fourth session, taking into consideration equitable geographical representation and expertise in the field."**

276. A statement in connection with the draft decision was made by the representative of Cuba.

277. At the request of the representative of Cuba, a recorded vote was taken on the draft decision which was rejected by 21 to 31, with 1 abstention. The voting was as follows:

***In favour*: Armenia, Austria, Bahrain, Belgium, Canada, Costa Rica, Croatia, Czech Republic, France, Germany, Guatemala, Italy, Japan, Mexico, Poland, Portugal, Republic of Korea, Saudi Arabia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.**

***Against*: Algeria, Argentina, Brazil, Burundi, Cameroon, Chile, China, Cuba, Democratic Republic of the Congo, Ecuador, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Russian Federation, Senegal, Sierra Leone, SouthAfrica, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.**

***Abstaining*: Peru.**

278. In view of the rejection of draft decision E/CN.4/2002/L.38, the Commission took action on draft decision 2, recommended by the Sub-Commission on the Promotion and Protection of Human Rights for adoption by the Commission (see E/CN.4/2002/2-E/CN.4/2001/40, chap. I).

279. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

280. A statement in connection with the draft decision was made by the representative of the United Kingdom of Great Britain and Northern Ireland.

281. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a recorded vote was taken on the draft decision, which was adopted by 35 votes to 3, with 15 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Bahrain, Brazil, Burundi, Cameroon, Chile, China, Cuba, Democratic Republic of the Congo, Ecuador, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.

Against: Canada, Japan, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Armenia, Austria, Belgium, Costa Rica, Croatia, Czech Republic, France, Germany, Guatemala, Italy,Poland, Portugal, Republic of Korea, Spain, Sweden.

282. For the text of the decision, see chapter II, section B, decision 2002/106.

The right to education

283. Also at the 49th meeting, the representative of Portugal introduced draft resolution E/CN.4/2002/L.39, sponsored byAustria, Belgium, Bosnia and Herzegovina,Croatia, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Iceland, Ireland, Italy, Latvia, Liechtenstein, Mexico, Norway, Poland, Portugal, RomaniaSlovakia, Slovenia, Sweden, Switzerland and Yugoslavia. Andorra, Algeria, Angola, Argentina, Belarus, Brazil, Bulgaria, Burundi, Cameroon, Costa Rica, Cuba, Cyprus, Ecuador, Equatorial Guinea, Georgia, India, Kenya, Luxembourg, Mauritius, Mongolia, Morocco, the Netherlands, Panama, the Republic of Moldova, San Marino, Senegal, Spain, Swaziland, Thailand, Tunisia and Viet Nam subsequently joined the sponsors.

284. At the same meeting the representative of Portugal orally revised operative paragraph 4 (*m*) (i).

285. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/23.

Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

286. Also at the 49th meeting, the representative of Portugal introduced draft resolution E/CN.4/2001/L.40, sponsored by Austria, Belgium, Bosniand Herzegovina, Croatia, Cyprus, theCzech Republic, Denmark, the DominicanRepublic, Finland, Germany, Greece, Guatemala, Iceland, Italy, Latvia, Lithuania, MaltaMexico, Norway, Poland, Portugal, Romania,Slovakia and Slovenia. Andorra, Angola, Belarus, Bulgaria, Brazil,

Cameroon, Chile, Cuba, Ecuador, Equatorial Guinea, France, Georgia, Ireland, Liechtenstein, Luxembourg, Morocco, the Netherlands, Panama, Paraguay, Senegal, Spain, Tunisia and Yugoslavia subsequently joined the sponsors.

287. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications ofthe draft resolution.

288. A statement in explanation of his delegation's position was made by the representative of Japan.

289. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/24.

The right to food

290. Also at the 49th meeting, the representative of Cuba introduced draft resolution E/CN.4/2002/L.41, sponsored by Algeria, Bangladesh, Belarus, Bhutan, Botswana, Burundi, Cameroon, China, the Congo, Côte d'Ivoire, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, the Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Ghana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Kenya, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Madagascar, Malaysia, Mauritania, Mexico, Mongolia, Mozambique, Nepal, Niger, Pakistan, Philippines, Rwanda, Sierra Leone, South Africa, Sri Lanka, the Sudan, Swaziland, the Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, the United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe. Austria, Belgium, Costa Rica, Finland, France, Germany, Greece, Guatemala, Ireland, Italy, Japan, Liechtenstein, Mauritius, Norway, Peru, Portugal, Senegal, Slovenia and Switzerland subsequently joined the sponsors.

291. At the same meeting, the representative of Cuba orally revised operative paragraphs 8 and 10.

292. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

293. The draft resolution, as orally revised, was adopted without a vote. For the text, see chapter II, section A, resolution 2002/25.

Promotion of the enjoyment of the cultural rights of everyone and respect for different cultural identities

294. Also at the 49th meeting, the representative of Cuba introduced draft resolution E/CN.4/2002/L.42, sponsored by Angola, Barbados, Burundi, China, the Congo,

Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Ghana, Iran (Islamic Republic of), Iraq, the Libyan Arab Jamahiriya, the Sudan, the Syrian Arab Republic, Togo, Viet Nam, Yemen and Zambia. Cameroon, the Dominican Republic, Haiti, Kenya, Pakistan, Peru, Senegal and Swaziland subsequently joined the sponsors.

295. At the same meeting, the representative of Cuba orally revised operative paragraph8 and 11.

296. The draft resolution, as orally revised, was adopted without a vote. For the text, see chapter II, section A, resolution 2002/26.

Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

297. At the same meeting, the representative of Nigeriaintroduced draft resolution E/CN.4/2002/L.43, sponsored by Nigeria (on behalf of States members of the African Group). Cuba, Ecuador and Haiti subsequently joined the sponsors.

298. Statements in explanation of vote before the vote were made by the representatives of Canada, Japan and Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission - the Czech Republic and Poland - aligned themselves with the statement).

299. At the request of the representative of Japan, a recorded vote was taken on the draft resolution, which was adopted by 37 votes to14, with 2 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Bahrain, Brazil, Burundi, Cameroon, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, Guatemala, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Republic of Korea, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.

Against: Austria, Belgium, Canada, Croatia, Czech Republic, France, Germany, Italy, Japan, Poland, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Armenia, Russian Federation.

300. For the text of the resolution, see chapter II, section A, resolutio2002/27.

Globalization and its impact on the full enjoyment of all human rights

301. Also at the 49th meeting, the representative of Pakistan introduced draft resolution E/CN.4/2002/L.44, sponsored by Algeria, Bangladesh, Bhutan,China, Cuba, Egypt, India, Indonesia,Iran (Islamic Republic of), Malaysia, Myanmar, Nepal, Pakistan, the Philippines, Sri Lanka, the Sudan and Viet Nam. Cameroon, Ecuador, Equatorial Guinea, Kenya, the Libyan Arab Jamahiriya, Mauritius, Nigeria, Peru, Saudi Arabia, South Africa, Swaziland, the Syrian Arab Republic, Togo, Uganda and Zambia subsequently joined the sponsors.

302. At the request of the representatives of Spain and Canada, a recorded vote was taken on the draft resolution, which was adopted by 38 votes to 15. The voting waas follows:

In favour:	Algeria, Argentina, Armenia, Bahrain, Brazil, Burundi, Cameroon, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, Guatemala, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.
Against:	Austria, Belgium, Canada, Croatia, Czech Republic, France, Germany, Italy, Japan, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.
Abstaining:	None.

303. Statements in explanation of vote after the vote were made by the representatives of Canada and Chile.

304. For the text of the resolution, see chapter II, section A, resolution 2002/28.

Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights

305. Also at the 49th meeting, the representative of Cuba introduced draft resolution E/CN.4/2002/L.45, sponsored by Algeria, Angola, Bangladesh, Burundi, Cameroon, Central African Republic, China, the Congo, Côted'Ivoire, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, the DominicanRepublic, Ecuador, EquatorialGuinea, Ethiopia, Gabon, Ghana, Guinea, Haiti, Indonesia,Iraq, Kenya, the Lao People's Democratic Republic, Madagascar, Mozambique, Myanmar, Nigeria, Pakistan, the Philippines, Rwanda, Sierra Leone, the Sudan, Swaziland, the Syrian Arab Republic, Togo, Tunisia, Uruguay, VietNam, Yemen, Zambia and Zimbabwe. Malaysia and Senegal subsequently joined the sponsors.

306. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

307. Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission - the Czech Republic and Poland - aligned themselves with the statement).

308. At the request of the representative of Spain, a recorded vote was taken on the draft resolution, which was adopted by 29 votes to 15, with 9 abstentions. The voting was as follows:

In favour: Algeria, Brazil, Burundi, Cameroon, China, Cuba, Democratic Republic of the Congo, Ecuador, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Russian Federation, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, VietNam, Zambia.

Against: Austria, Belgium, Canada, Croatia, Czech Republic, France, Germany, Italy, Japan, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Argentina, Armenia, Bahrain, Chile, Costa Rica, Guatemala, Mexico, Peru, Saudi Arabia.

309. For the text of the resolution, see chapter II, section A, resolution 2002/29.

Human rights and extreme poverty

310. Also at the 49th meeting, the representative of France introduced draft resolution E/CN.4/2002/L.46, sponsored by Algeria, Argentina, Belgium, Bolivia, Brazil, Burundi, Cameroon, Canada, Denmark, the Dominican Republic, Finland, France, Georgia, Germany, Greece, Iceland, Ireland, Italy, Japan, Kenya, Luxembourg, Madagascar, Malta, Mexico, Monaco, Morocco, Nicaragua, Norway, Peru, Poland, the Republic of Korea, Romania, Senegal, Slovakia, Slovenia, Spain, Sri Lanka, Swaziland, Thailand, Togo, Tunisia, Uruguay, Venezuela and Zambia. Andorra, Austria, Australia, Bhutan, Belarus, Bulgaria, Chile, China, Costa Rica, Cuba, Cyprus, Ecuador, El Salvador, Equatorial Guinea, Guatemala, India, Nepal, Portugal, the Republic of Moldova, San Marino, Senegal, Sweden, Switzerland, Ukraine and Viet Nam subsequently joined the sponsors.

311. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

312. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/30.

The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

313. Also at the 49th meeting, the representative of Brazil introduced draft resolution E/CN.4/2002/L.47, sponsored by Algeria, Afghanistan, Argentina, Austria, Bangladesh, Belgium, Brazil, Burundi, Cameroon, China, Cuba, the Dominican Republic, Finland, Georgia, Greece, Guatemala, Iraq, the Netherlands, Panama, Paraguay, Peru, Portugal, Slovenia, South Africa, Swaziland, Thailand, Uruguay and Venezuela. Angola, Bosnia and Herzegovina, Costa Rica, Denmark, Ecuador, El Salvador, Equatorial Guinea, Ethiopia, France, Germany, Haiti, India, Israel, Italy, Kenya, Luxembourg, Morocco, Nepal, Nicaragua, Norway, Senegal, Sweden, Switzerland, The former Yugoslav Republic of Macedonia and Viet Nam subsequently joined the sponsors.

314. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

315. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/31.

Access to medication in the context of pandemics such as HIV/AIDS

316. At the same meeting, the representative of Brazil introduced draft resolution E/CN.4/2001/L.48, sponsored by Afghanistan, Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Burundi, Cameroon, Canada, China, Colombia, Croatia, Cuba, the Dominican Republic, Egypt, El Salvador, Finland, Georgia, Germany, Greece, Guatemala, Iraq, Ireland, Luxembourg, Mauritius, Mexico, Monaco, Mozambique, the Netherlands, Norway, Paraguay. Peru, Poland, Portugal, Sierra Leone, Slovenia, South Africa, Swaziland, Thailand, Turkey, Uganda, Uruguay and Viet Nam. Angola, Bosnia and Herzegovina, Bhutan, Chile, Costa Rica, Cyprus, Denmark, Ecuador, Ethiopia, Equatorial Guinea, France, Haiti, India, Italy, Kenya, the Libyan Arab Jamahiriya, Malaysia, Nicaragua, Panama, Senegal, The former Yugoslav Republic of Macedonia, Venezuela, Yugoslavia and Zambia subsequently joined the sponsors.

317. A statement in explanation of vote before the vote was made by the representatives of the United Kingdom of Great Britain and Northern Ireland (also on behalf of Sweden).

318. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/32.

Women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing

319. At the 51st meeting, on 23 April 2002, the representative of Mexico introduced draft resolution E/CN.4/2002/L.49, sponsored by Australia, Austria, Belgium, Bulgaria, Chile, Colombia, Côte d'Ivoire, Cuba, Denmark, the Dominican Republic, Ecuador, Finland, France, Georgia, Germany, Greece, Guatemala, Ireland, Italy, Madagascar, Mauritius, Mexico,

the Netherlands, New Zealand, Norway, Pakistan, Paraguay, Peru, Portugal, South Africa, Spain, Swaziland, Sweden, Turkey, Uruguay and Venezuela. Brazil, Burundi, Cameroon, Canada, Croatia, Equatorial Guinea, India, Japan, Liechtenstein, Luxembourg, Malaysia, Panama, Switzerland, Thailand, Uganda, the United Kingdom of Great Britain and Northern Ireland and Zambia subsequently joined the sponsors.

320. A statement in connection with the draft resolution was made by the representative of Pakistan.

321. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/49.

XI. Civil and political rights, including the questions of:

(a) Torture and detention;

(b) Disappearances and summary executions;

(c) Freedom of expression;

(d) Independence of the judiciary, administration of justice, impunity;

(e) Religious intolerance;

(f) States of emergency;

(g) Conscientious objection to military service.

322. The Commission considered agenda item 11 at its 16th meeting, on 26 March, at its 31st meeting, on 9 April, at its 41st meeting, on 16 April, at its 50th meeting, on 22 April, and at its 51st meeting, on 23 April 2002.

323. For the documents issued under agenda item 11, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

324. At the 16th meeting, on 26 March 2002:

(*a*) The independent expert to examine the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearance, Mr. Manfred Novak, introduced his report (E/CN.4/2002/71);

(*b*) The Chairperson-Rapporteur of the Openended working group on a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Ms. Elizabeth Odio Benito, introduced the report of the working group on its tenth session (E/CN.4/2002/78).

325. At the 31st meeting, on 9 April 2002:

(*a*) The Special Rapporteur on extrajudicial, summary or arbitrary executions, Ms. Asma Jahangir, introduced her report(E/CN.4/2002/74 and Add.1);

(*b*) The Special Rapporteur on the independence of judges and lawyers, (*c*) The Special Rapporteur on the question of torture, Mr. Theo C. van Boven, introduced his report (E/CN.4/2002/137) and that of his predecessor, Sir Nigel Rodley (E/CN.4/2002/76 and Add.1);

(*d*) The Special Rapporteur on religious intolerance, Mr. Abdelfattah Amor, introduced his report (E/CN.4/2002/73 and Add.1);

(*e*) The Chairperson of the Working Group on Arbitrary Detention, Mr. Louis Joinet, introduced the report of the Working Group (E/CN.4/2002/77 and Add.1 and 2).

326. At the 41st meeting, on 16 April 2002:

(*a*) A statement was read out by a member of the secretariat on behalf of Mr. Abid Hussain, Special Rapporteur on freedom of opinion and expression, in connection with his report (E/CN.4/2002/75 and Add.1);

(*b*) A statement was read out by a member of the secretariat on behalf of Mr. Ivan Tosevski, member of the Working Group on Enforced or Involuntary Disappearances, on behalf of the Chairperson of the Working Group (E/CN.4/2002/79);

(*c*) A second statement was read out by a member of the secretariat on behalf of Mr. Tosevski, in his capacity as member of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, on behalf of the Chairperson of the Board of Trustees.

327. In the general debate on agenda item 11, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

328. At the 50th meeting, on 22 April 2002, the representative of Costa Rica introduced draft resolution E/CN.4/2002/L.5, sponsored by Albania, Armenia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Denmark, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Portugal, Romania, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Yugoslavia. Brazil, Burundi, El Salvador, Iceland, Malta and Panama subsequently joined the sponsors. The Democratic Republic of the Congo withdrew as a sponsor.

329. The representative of Cuba introduced a proposed amendment, which read as follows:

> "Replace operative paragraphs 2, 3 and 4 and the annex with new operative paragraphs 2 and 3, reading as follows:
>
> "2. *Decides* to renew the mandate of the Openended working group for the period of one year;
>
> "3. *Requests* the working group to submit a final eport on the results of its work to its fifty-ninth session."

330. Statements with regard to the draft resolution were made by the representatives of China, Costa Rica and the Syrian Arab Republic.

331. At the same meeting, the representative of Cuba withdrew theproposed amendment.

332. Under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, the representative of Cuba moved that the Commission take no decision on the draft resolution.

333. Statements in connection with that motion were made by the representatives of Algeria, Chile, Costa Rica, Cuba, the Czech Republic, Guatemala, India, Japan, Mexico, the Russian Federation, South Africa, Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the UnitedKingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission- the Czech Republic and Poland - aligned themselves with the statement), and Uruguay.

334. A recorded vote was taken on the motion, which was rejected by 21 votes to 28, with 4 abstentions. The voting was as follows:

In favour: Bahrain, China, Cuba, India, Indonesia, Japan, LibyanArab Jamahiriya, Malaysia, Nigeria, Pakistan, Republic of Korea, Russian Federation, Saudi Arabia, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Viet Nam, Zambia.

Against: Argentina, Armenia, Austria, Belgium, Brazil, Burundi, Canada, Chile, Costa Rica, Croatia, Czech Republic, Ecuador, France, Germany, Guatemala, Italy, Mexico, Peru, Poland, Portugal, Senegal, Sierra Leone, South Africa, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Abstaining: Algeria, Cameroon, Democratic Republic of the Congo, Kenya.

335. Statements in explanation of vote before the vote on the draft resolution were made by the representatives of Argentina, Cuba, Bahrain, Canada, Costa Rica, the

336. At the request of the representative of Cuba, a recorded vote was taken on draft resolution E/CN.4/2002/L.5, which was adopted by 29 votes to 10, with 14 abstentions. The voting was as follows:

In favour: Argentina, Armenia, Austria, Bahrain, Belgium, Brazil, Burundi, Canada, Chile, Costa Rica, Croatia, Czech Republic, Democratic Republic of the Congo, Ecuador, France, Germany, Guatemala, Italy, Mexico, Peru, Poland, Portugal, Senegal, South Africa, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Against: China, Cuba, Japan, Libyan Arab Jamahiriya, Malaysia, Nigeria, Republic of Korea, Saudi Arabia, Sudan, Syrian Arab Republic.

Abstaining: Algeria, Cameroon, India, Indonesia, Kenya, Pakistan, Russian Federation, Sierra Leone, Swaziland, Thailand, Togo, Uganda, Viet Nam, Zambia.

337. For the text of the resolution see chapter II, section A, resolution 2002/33.

Strengthening of popular participation, equity, social justice and non-discrimination as essential foundations of democracy

338. At the same meeting the representative of Cuba introduced draft resolution E/CN.4/2002/L.36/Rev.1, sponsored by Algeria, Angola, Bangladesh, Botswana, Burundi, Cameroon, China, Congo, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, the Dominican Republic, Equatorial Guinea, Eritrea, Ethiopia, Ghana, Haiti, Iraq, Kenya, the Libyan Arab Jamahiriya, Madagascar, Mauritania, Nigeria, Qatar, Rwanda, Sierra Leone, South Africa, the Sudan, Swaziland, the Syrian Arab Republic, Togo, Uganda, Viet Nam, Yemen, Zambia and Zimbabwe. Venezuela subsequently joined the sponsors.

339. Statements in connection with the draft resolution were made by the representatives of India and Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission - the Czech Republic and Poland - aligned themselves with the statement).

340. A statement in explanation of vote before the vote on the draft resolution, was made by the representative of Canada.

341. At the request of the representative of Spain, a recorded vote was taken on draft resolution E/CN.4/2002/L.36/Rev.1, which was adopted by 29 votes to 7, with 17 abstentions. The voting was as follows:

In favour: Algeria, Bahrain, Burundi, Cameroon, Chile, China, Cuba, Democratic Republic of the Congo, Ecuador, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Russian Federation, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Venezuela, Viet Nam, Zambia.

Against: Armenia, Belgium, Canada, Germany, Poland, Sweden, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Argentina, Austria, Brazil, Costa Rica, Croatia, Czech Republic, France, Guatemala, Italy, Japan, Mexico, Peru, Portugal, Republic of Korea, Saudi Arabia, Spain, Uruguay.

342. A statement in explanation of vote after the vote was made by the representative of Chile.

343. For the text of the resolution, see chapter II, section A, resolution 2002/34.

Human rights and terrorism

344. Also at the 50th meeting, the representative of Algeria introduced draft resolution E/CN.4/2002/L.50/Rev.1, sponsored by Afghanistan, Algeria, Bangladesh, Burundi Cameroon, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, the Democratic Republic of the Congo, Egypt, El Salvador, Gabon, Georgia, India, Indonesia, Kenya, Lebanon, Mauritania, Nigeria, Oman, Pakistan, Peru, the Philippines, Qatar, the Russian Federation, Saudi Arabia, Senegal, Sri Lanka, the Sudan, Togo, Tunisia, Turkey, Uganda, Viet Nam, Yemen and Zambia. Azerbaijan, Belarus, Ecuador, Equatorial Guinea and Venezuela subsequently joined the sponsors. Costa Rica, El Salvador and Peru withdrew as sponsors.

345. The representative of Algeria orally revised the draft resolution by adding a new operative paragraph after paragraph 5, proposed by Afghanistan.

346. Statements in connection with the draft resolution were made by the representatives of Argentina, Chile and Pakistan.

347. Statements in explanation of vote before the vote on the draft resolution were made by the representatives of Canada, Croatia, the Libyan Arab Jamahiriya and Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission - the Czech Republic and Poland - aligned themselves with the statement).

348. At the request of the representative of Spain, a recorded vote was taken on the draft resolution, as orally revised, which was adopted by 32 votes tonone, with 21 abstentions. The voting was as follows:

In favour: Algeria, Bahrain, Brazil, Burundi, Cameroon, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria,Pakistan, Peru, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, SouthAfrica, Sudan, Swaziland, Thailand, Togo, Uganda, Venezuela, VietNam, Zambia.

Against: None.

Abstaining: Argentina, Armenia, Austria, Belgium, Canada, Chile, Croatia, Czech Republic, France, Germany, Guatemala, Italy, Japan, Poland, Portugal, Republic of Korea, Spain, Sweden, Syrian ArabRepublic, United Kingdom of Great Britain and Northern Ireland, Uruguay.

349. A statement in explanation of vote after the vote was made by the representative of the Syrian Arab Republic.

350. For the text of the resolution, see chapter II, sectionA, resolution 2002/35.

351. At the 51st meeting, on 23 April 2002, the Commission had before it draft decision 4 recommend by the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/2002/2E/CN.4/Sub.2/2001/40, chap. I). The draft decision read as follows:

"The Commission on Human Rights, taking note of resolution 2001/18 of 16 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, approves the Sub-Commission's request to the SecretaryGeneral to give the Special Rapporteur, Ms.Kalliopi Koufa, all the assistance necessary for the preparation of her second progress report, in particular by providing for visits toVienna and New York in order to hold consultations with the competent services and bodies of the United Nations located there, to complement and expand her essential research and to collect all the needed and up-to-date information and data."

352. Also at the same meeting, the Commission had before it draft decision E/CN.4/2002/L.64, sponsored by the United Kingdom of Great Britain and Northern Ireland and replacing draft decision 4 recommended by the SubCommission on the Promotion and Protection of Human Rights. The draft decision read as follows:

"The draft decision should read as follows:

"The Commission on Human Rights, taking note of resolution 2001/18 of 16 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, requests the Special Rapporteur, Ms. Kalliopi Koufa, to complete her study on human rights and terrorism as mandated in decision 1998/107 of the

Commission on Human Rights and decision 1998/278 of the Economic and Social Council, and requests the Secretary-General to provide the Special Rapporteur with the resources necessary to do this."

353. In view of the adoption of resolution 2002/35, no action was taken on either E/CN.4/2002/L.70, nor on (E/CN.4/2002/2-E/CN.4/Sub.2/2001/40, chapter 1).

Extrajudicial, summary and arbitrary executions

354. At the 50th meeting, on 22 April 2002, the representative of Sweden introduced draft resolution E/CN.4/2002/L.51, sponsored byArgentina, Armenia, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Cameroon, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, the Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, the Republic of Moldova, Romania, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Venezuela. Albania, Angola, Costa Rica, Burundi, Equatorial Guinea, France, Haiti, Madagascar, the Republic of Moldova, San Marino, South Africa, Uruguay and Yugoslavia subsequently joined the sponsors.

355. The representative of Sweden orally revised operative paragraphs 4, 12, 13 (*g*) and 14 of the draft resolution.

356. The representative of Pakistan proposed to amend the draft resolution by deleting the words "sexual orientation", in paragraphs 6 and 12 of the draft resolution.

357. Statements in connection with the proposed amendment to the draft resolution were made by the representatives of the Libyan Arab Jamahiriya and Sweden.

358. At the request of the representative of Pakistan, a recorded vote was taken on the proposed amendment, which was rejected by 15 votes to 28, with9 abstentions. The voting was as follows:

In favour: Algeria, Bahrain, China, Democratic Republic of the Congo, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Pakistan, Saudi Arabia, Sudan, Syrian Arab Republic, Togo, Viet Nam, Zambia.

Against: Armenia, Austria, Belgium, Brazil, Burundi, Cameroon, Canada, Chile, Costa Rica, Croatia, Czech Republic, Ecuador, France, Germany, Guatemala, Italy, Japan, Mexico, Peru, Poland, Portugal, Republic of Korea, Spain, Sweden, Thailand, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Abstaining: Argentina, India, Nigeria, Russian Federation, Senegal, Sierra Leone, South Africa, Swaziland, Uganda.

359. A statement in connection with the draft resolution was made by the representative of Pakistan.

360. At the request of the representative of Saudi Arabia, a recorded vote was taken on the draft resolution, as orally revised, which was adopted by 36 votes to 2, with 14 abstentions. The voting was as follows:

In favour:	Argentina, Armenia, Austria, Belgium, Brazil, Burundi, Cameroon, Canada, Chile, Costa Rica, Croatia, Czech Republic, Democratic Republic of the Congo, Ecuador, France, Germany, Guatemala, India, Italy, Japan, Mexico, Peru, Poland, Portugal, Republic of Korea, Senegal, South Africa, Spain, Swaziland, Sweden, Thailand, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.
Against:	Syrian Arab Republic, Zambia.
Abstaining:	Algeria, Bahrain, China, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Russian Federation, Saudi Arabia, Sierra Leone, Sudan, Viet Nam.

361. A statement in explanation of vote after the vote was made by the representative of Pakistan.

362. For the text of the resolution, see chapter II, section A, resolution 2002/36.

Integrity of the judicial system

363. Also at the 50th meeting, the representative of the Russian Federation introduced draft resolution E/CN.4/2002/L.52, sponsored by the Russian Federation. Belarus and the Republic of Moldova subsequently joined the sponsors.

364. A statement in connection with the draft resolution was made by the representative of Canada.

365. At the request of the representatives of Canada and the United Kingdom of Great Britain and Northern Ireland, a recorded vote was taken on draft resolution E/CN.4/2002/L.52, which was adopted by 34 votes to none, with 19 abstentions. The voting was as follows:

In favour:	Algeria, Argentina, Armenia, Bahrain, Burundi, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, Guatemala, Indonesia, Italy, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Portugal, Russian Federation, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Sweden, Syrian Arab Republic, Togo, Uganda, Viet Nam, Zambia.
Against:	None.

Abstaining: Austria, Belgium, Brazil, Cameroon, Canada, Croatia, Czech Republic, France, Germany, India, Japan, Poland, Republic of Korea, Saudi Arabia, Spain, Thailand, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

366. For the text of the resolution, see chapter II, section A, resolution 2002/37.

Torture and other cruel, inhuman or degrading treatment or punishment

367. At the same meeting, the observer for Denmark introduced draft resolution E/CN.4/2002/L.53, sponsored by Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Canada, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Eritrea, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Monaco, the Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland and Yugoslavia. Albania, Andorra, Angola, Argentina, Brazil, Cameroon, Chile, Equatorial Guinea, Latvia, Mongolia, Morocco, the Republic of Korea, the Republic of Moldova, Senegal, Sierra Leone, South Africa, Ukraine, Uruguay and Venezuela subsequently joined the sponsors.

368. At the same meeting, the representative of Cuba introduced proposed amendments (E/CN.4/2002/L.72) to draft resolution E/CN.4/2002/L.53.

369. The representative of Cuba withdrew the proposed amendments (E/CN.4/2002/L.72) to draft resolution E/CN.4/2002/L.53 which read as follows:

> "Insert a new operative paragraph:
>
> "5 bis *Affirms* that all forms of individual and collective punishment, inter alia the deprivation of food, water, medicines and medical care, that affect the life, health and physical well-being of persons, at any time and in any place whatsoever, are and shall remain prohibited by international law."

370. A statement in explanation of vote after the vote was made by the representative of Japan.

371. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/38.

The incompatibility between democracy and racism

372. Also at the 51st meeting, the representative of Brazil introduced draft resolution E/CN.4/2002/L.55, sponsored by Argentina, Azerbaijan, Brazil, Burundi, China, the Dominican Republic, Ecuador, Egypt, Georgia, India, Mexico, Nepal, Panama, Paraguay, Peru, Poland, Romania, Thailand, Turkey, Uruguay and Venezuela. Belarus, Bosnia and Herzegovina, Cameroon, Canada, Chile, Costa Rica, El Salvador, Equatorial Guinea,

Guatemala, Iran (Islamic Republic of), Israel, Italy, Kenya, Malta, Morocco, Panama, the Republic of Korea, the Republic of Moldova, the Russian Federation, Senegal, Spain, Sri Lanka and Tunisia subsequently joined the sponsors.

373. The representative of Brazil orally revised operative paragraph 6 of the draft resolution.

374. The draft resolution, as revised, was adopted without a vote. For the text, see chapter II, section A, resolution 2002/39.

Elimination of all forms of religious intolerance

375. At the 51st meeting, the observer for Ireland introduced draft resolution E/CN.4/2002/L.56, sponsored by Afghanistan, Albania, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Cameroon, Canada, Côte d'Ivoire, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, Ecuador, Eritrea, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mauritius, Monaco, the Netherlands, New Zealand, Nicaragua, Norway, Peru, the Philippines, Poland, Portugal, Romania, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, the United Kingdm of Great Britain and Northern Ireland, Uruguay and Yugoslavia. Andorra, Burundi, Chile, Costa Rica, the Dominican Republic, El Salvador, Equatorial Guinea, India, Malta, Mauritius, Panama, the Republic of Korea, San Marino, Togo, the United States of Amrica and Venezuela subsequently joined the sponsors.

376. Statements in connection with the draft resolution were made by the representatives of India and Pakistan.

377. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/40.

Question of enforced or involuntary disappearances

378. Also at the same meeting, the representative of France introduced draft resolution E/CN.4/2002/L.57, sponsored by Albania, Argentina, Austria, Belgium, Brazil, Bulgaria, Cameroon, Canada, Chile, Cuba, Cyprus, the Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Lithuania, Luxembourg, Malta, Mexico, Monaco, Morocco, the Netherlands, Norway, Peru, Poland, Portugal, Romania, Slvakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Andorra, Burundi, Costa Rica, Croatia, Ecuador, Equatorial Guinea, Madagascar, Senegal, the Republic of Korea, the Republic of Moldova and Yugoslavia subsequently joined the sponsors.

379. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/41.

Question of arbitrary detention

380. At the 51st meeting, the representative of Franceintroduced draft resolution E/CN.4/2002/L.58, sponsored byAlbania, Argentina, Austria, Belgium, Bulgaria, Cameroon, Canada, Cyprus, the Czech Republic, Denmark, Ecuador, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Morocco, theNetherlands, Norway, Peru, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and theUnited Kingdom of Great Britain and Northern Ireland. Burundi, Costa Rica, Croatia, Equatorial Guinea,Italy, the Republic of Moldova, Senegal and Uruguaysubsequently joined the sponsors.

381. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/42.

Independence and impartiality of the judiciary, jurorsand assessors and the independence of lawyers

382. At the same meeting, the observer for Hungaryintroduced draft resolution E/CN.4/2002/L.60, sponsored by Argentina, Austria, Belgium, Brazil, Bulgaria, Cameroon, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Nepal, the Netherlands, Norway, Paraguay, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Armenia, Australia, Burundi, El Salvador, Inih, Israel, Madagascar, the Republic of Korea and Senegal subsequently joined the sponsors.

383. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

384. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/43.

Right to restitution, compensation and rehabilitationfor victims of grave violations of human rights and fundamental freedoms

385. At the 51st meeting, the representative of Chile introduced draft resolution E/CN.4/2002/L.61, sponsored by Chile, Cuba, Denmark, Ecuador, Guatemala, Iceland, Mexico, Peru and the United Kingdom of Great Britain and Northern Ireland. Argentina, Armenia, Brazil, Canada, Costa Rica, Equatorial Guinea, France, Germany, the Netherlands, Norway, Panama, Portugal, Slovenia, Spain, Sweden and Venezuela subsequently joined the sponsors.

386. The representative of Chile orally revised the second preambular paragraph and operative paragraph 1 of the draft resolution.

387. The draft resolution, as revised, was adopted without a vote. For the text, see chapter II, section A, resolution 2002/44.

Conscientious objection to military service

388. At the same meeting, the representative of Croatiaintroduced draft resolution E/CN.4/2002/L.62, sponsored by Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Finland, Germany, Hungary, Ireland, the Netherlands, Poland, Romania, Slovenia and the United Kingdom of Great Britain and Northern Ireland. Austria, Bosnia and Herzegovina, Costa Rica, Georgia, Italy, Portugal, the Republic of Moldova, San Marino, Slovakia and Spain subsequently joined the sponsors.

389. The draft resolution was adopted without a vote. For the text, as adopted, see chapter II, section A, resolution 2002/45.

Further measures to promote and consolidate democracy

390. Also at the 51st meeting, the representative of Peru introduced draft resolution E/CN.4/2002/L.65, sponsored by Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Colombia, Croatia, Denmark, Ecuador, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Mexico, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. CostRica, the Dominican Republic, El Salvador, Equatorial Guinea, Georgia, India, Japan, Latvia, Malta, Nepal, the Republic of Korea, San Marino, Slovenia, Tunisia, Turkey, Venezuela and Yugoslavia subsequently joined the sponsors.

391. The representative of Peru orally revised the draft resolution by including a new preambular paragraph and modifying the sixth preambular paragraph.

392. The representative of Cuba introduced the proposed amendment(E/CN.4/2002/L.71) to draft resolution E/CN.4/2002/L.65sponsored by Cuba. The proposed amendments read as follows:

"**Additions**

"1. Add a new preambular paragraph 3 bis, reading as follows: '*Reaffirming*that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives;'

"2. Add a new preambular paragraph 3 quater, reading as follows: '*Recognizing*that democracy is incompatible with the situation of peoples living under colonial or other forms of alien domination or foreign occupation, since for those peoples democracy is dramatically undermined and human rights and fundamental freedoms are systematically violated;'

"3. Add a new operative paragraph 1 bis, reading as follows: '*Also declares* that while all democracies share common features, there is no one universal model of democracy;'

"4. Add a new operative paragraph 3 bis, reading as follows: '*Reaffirms* that the right to development, as established in the Declaration on the Right to Development, is a universal and inalienable right and an integral part of fundamental human rights;'

"Deletions

"5. In the ninth preambular paragraph, delete: Inter-American Democratic Charter (2001);

"6. In the first operative paragraph, delete: a pluralistic system of political parties and organizations, the separation of powers;

"7. In operative paragraph 4, delete: including the Conference on Democratic Transition and Consolidation held in Madrid in October 2001;

"8. Delete operative paragraph 5."

393. At the same meeting, the representative of Cuba withdrew all the proposed amendments except 2 and 8.

394. Statements in connection with the proposed amendments to the draft resolution were made by the representatives of China, India, Peru and Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission - the Czech Republic and Poland - aligned themselves with the statement).

395. A statement in explanation of vote before the vote on the proposed amendments to the draft resolution was made by the representative of India.

396. At the request of the representative of Cuba, a separate recorded vote was taken on proposed amendments 2 and 8 to the draft resolution. Proposed amendment 2 was rejected by 22 votes to 25, with 6 abstentions. The voting was as follows:

In favour:	Algeria, Bahrain, Burundi, Cameroon, China, Cuba, Democratic Republic of the Congo, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Pakistan, Russian Federation, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Viet Nam, Zambia.
Against:	Argentina, Armenia, Austria, Belgium, Brazil, Canada, Chile, Costa Rica, Croatia, Czech Republic, Ecuador, France, Germany, Guatemala, Italy, Japan, Mexico, Peru, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining: India, Nigeria, Senegal, Sierra Leone, Saudi Arabia, Venezuela.

Proposed amendment 8 was rejected by 9 votes to 37, with 7 abstentions. The voting was as follows:

In favour: China, Cuba, Democratic Republic of the Congo, Libyan Arab Jamahiriya, Malaysia, Pakistan, Sudan, Syrian ArabRepublic, Viet Nam.

Against: Algeria, Argentina, Armenia, Austria, Belgium, Brazil, Burundi, Cameroon, Canada, Chile, Costa Rica, Croatia, Czech Republic, Ecuador, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Mexico, Nigeria, Peru, Poland, Portugal, Republic of Korea, Senegal, SouthAfrica, Spain, Sweden, Thailand, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Abstaining: Bahrain, Kenya, Russian Federation, Saudi Arabia, SierraLeone, Swaziland, Zambia.

397. Statements in connection with the draft resolution were made by the representatives of Algeria, Cuba, India, the Libyan Arab Jamahiriya and Venezuela.

398. Statements in explanation of vote before the vote on the draft resolution were made by the representatives of the Democratic Republic of the Congo, the Sudan and the Syrian Arab Republic.

399. At the request of the representative of Cuba, a recorded vote was taken on the draft resolution, as revised, which was adopted by 43 votes to none, with 9 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Armenia, Austria, Bahrain, Belgium, Brazil, Burundi, Cameroon, Canada, Chile, Costa Rica, Croatia, Czech Republic, Democratic Republic of the Congo, Ecuador, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Kenya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Poland, Portugal, Republic of Korea, Russian Federation, Senegal, SouthAfrica, Spain, Sweden, Thailand, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Zambia.

Against: None.

Abstaining: China, Cuba, Libyan Arab Jamahiriya, Saudi Arabia, Sierra Leone, Sudan, Swaziland, Syrian Arab Republic, Viet Nam.

400. A statement in explanation of vote after the vote was made by the representative of Bahrain.

401. For the text of the resolution, see chapter II, sectionA, resolution 2002/46.

Human rights in the administration of justice, in particular juvenile justice

402. At the same meeting, the representative of Austria introduced draft resolution E/CN.4/2002/L.67, sponsored by Austria, Belgium, Brazil, Bulgaria, Cameroon, Canada, Croatia, Cyprus, Denmark, Equatorial Guinea, Finland, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Liechtenstein, Malta, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, Slovenia, Spain, Sweden, Thailand and the United Kingdom of Great Britain and Northern Ireland. Albania, Angola, Australia, Bosnia and Herzegovina, Burundi, Chile, Costa Rica, Ethiopia, France, Japan, Latvia, Luxembourg, Paraguay, Slovakia, Switzerland, Turkey and Ukraine subsequently joined the sponsors.

403. The representative of Austria orally revised operative paragraph 17 of the draft resolution.

404. Statements were made with regard to the draft resolution by the representatives of Algeria and the Russian Federation.

405. The draft resolution, as revised, was adopted without a vote. For the text, see chapter II, section A, resolution 2002/47.

The right to freedom of opinion and expression

406. Also at the 51st meeting, the representative of Canada introduced draft resolution E/CN.4/2002/L.69, sponsored by Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Côte d'Ivoire, Cyprus, the Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, the Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela and Yugoslavia. Andorra, Armenia, Bosnia and Herzegovina, Burundi, Brazil, Cameroon, Chile, Colombia, Costa Rica, Croatia, the Dominican Republic, El Salvador, Equatorial Guinea, Georgia, India, Latvia, Madagascar, Panama, the Republic of Korea, San Marino, Senegal, Sierra Leone, and Uruguay subsequently joined the sponsors. Israel withdrew as a sponsor.

407. The representative of Canada orally revised operative paragraphs 7, 13 and 15 of the draft resolution.

408. The representative of Cuba withdrew draft decisionE/CN.4/2002/L.70, sponsored by Cuba, amending draft resolution E/CN.4/2002/L.69. The proposed amendment read as follows:

"1. Add, as a new operative paragraph, operative paragraph 86 of the Durban Declaration which reads as follows:

> '*Reaffirms* that the dissemination of all ideas based upon racial superiority or hatred shall be declared an offence punishable by law with due regard to the prinıples embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination;'

"2. Add as a new operative paragraph:

> '*Reaffirms* that freedom of information requires as an indispensable element the willingness and capacity to employ its privileges without abuse and it requires as a basic discipline the moral obligation to seek facts without prejudice and to spread knowledge without malicious intent;'

"3. Add a new operative paragraph based on article VI of the UNESCO Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racialism, Apartheid and Incitement to War:

> '*Stresses* the importance of the establishment of a new equilibrium and greater reciprocity in the international flow of information and, in particular, the necessity to correct the inequalities in the flow of information to and from developing countries;'."

409. Statements in connection with draft resolutionE/CN.4/2002/L.69, as orally revised, were made by the representatives of Algeria, Germany and Pakistan.

410. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

411. The draft resolution, as revised, was adopted without a vote. For the text, see chapter II, section A, resolution 2002/48.

XII. Integration of the human rights of women and the gender perspective:

(*a*) Violence against wome

412. The Commission considered agenda item 12 concurrently with item 13 at its 33rd meeting, on 10 April, atits 43rd and 44th meetings, on17 April, and at its 51st meeting, on 23 April 2002.

413. For the documents issued under agenda item 12, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V to the present report.

414. At the 33rd meeting, on 10 April 2002:

(*a*) The Chairperson of the Commission on the Status of Women, Mr. OthmanJerandi, made a statement;

(*b*) The Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, introduced her report (E/CN.4/2002/83 and Add.1-3);

(*c*) The Chairperson of the Committee on the Elimination of Discrimination against Women, Ms. Charlotte Abaka, made a statement.

415. In the general debate on agenda item 12, considered concurrently with item 13, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Integrating the human rights of women throughout the United Nations system

416. At the 51st meeting, on 23 April 2002, the representative of Chile introduced draft resolution E/CN.4/2002/L.59, sponsored by Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Cameroon, Canada, Chile, Croatia, Denmark, Ecuador, Finland, France, Georgia, Greece, Guatemala, Honduras, Iceland, Italy, Liechtenstein, Lithuania, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Panama, Peru, the Philippines, Portugal, the Republic of Korea, Romania, Sweden, Switzerland, Thailand, Tunisia, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela.Albania, Andorra, Armenia, Belarus, Burundi, Costa Rica, Cyprus, the Dominican Republic, El Salvador, Equatorial Guinea, Germany, Ireland, Kenya, Malta, Mauritius, the Republic of Moldova, Senegal, Slovenia, South Africa and Spain subsequently joined the sponsors.

417. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/50.

Traffic in women and girls

418. At the 51st meeting, on 23 April 2002, the observer for the Philippines introduced draft resolution E/CN.4/2002/L.63, sponsored by Afghanistan, Albania, Argentina, Austria, Azerbaijan, Bangladesh, Belarus, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Bulgaria, Burundi, Cambodia, Cameroon, Canada, Chile, Colombia, the Congo, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Finland, Gabon, Ghana, Greece, Haiti, Iceland, India, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, the Lao People's Democratic Republic, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Monaco, Mozambique, Nepal, Nicaragua, Norway, Panama, Paraguay, Peru, the Philippines, Poland, the Republic of Korea, the Republic of Moldova, Romania, the Russian Federation, Rwanda, Senegal, Sierra Leone, Slovenia, South Africa, Sri Lanka, Swaziland, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, Uruguay, Viet Nam and Yemen. Andorra, Angola, Armenia, Belgium, Costa Rica, Georgia, Germany, Guatemala, Indonesia, Israel, Kenya, Malaysia, Morocco, Nigeria, Portugal, San Marino, South Africa, Spain, the Sudan, Swed, the United States of America, Yugoslavia and Zambia subsequently joined the sponsors.

419. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/51.

Elimination of violence against women

420. Also at the 51st meeting, the representative of Canada introduced draft resolution E/CN.4/2002/L.66, sponsored by Afghanistan, Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Burundi, Cameroon, Canada, Chile, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Ecuador, Finland, Greece, Guatemala, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Peru, the Philippines, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Senegal, Slovakia, South Africa, Spain, Swaziland, Sweden, Switzerland, Thailand, Turkey, the United Kingdom of Great Britain and Northern Ireland and Venezuela. Andorra, Armenia, Angola, Bangladesh, Belarus, Brazil, Colombia, Denmark, El Salvador, Ethiopia, Equatorial Guinea, France, Georgia, Germany, Haiti, Hungary, Israel, Kenya, Latvia, Madagascar, Malaysia, Mauritius, Mongolia, Mozambique, the Republic of Moldova, The former Yugoslav Republic of Macedonia, Slovenia, Tunisia, Uruguay, Yugoslavia and Zambia subsequently joined the sponsors.

421. At the same meeting, the representative of Canada orally revised the ninth preambular paragraph and operative paragraphs 6 and 14 (d).

422. A statement in connection with the draft resolution was made by the representatives of Cuba.

423. The draft resolution, as orally revised, was adopted without a vote. For the text, see chapter II, section A, resolution 2002/52.

XIII. Rights of the child

424. The Commission considered agenda item 13 concurrently with item 12 at its 35th meeting, on 11 April, at its 43rd to 44th meetings, on 17 April, at its 45th meeting, on 18 April and at its 58th meeting, on 26 April 2002.

425. For the documents issued under agenda item 13, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

426. At the 35th meeting, on 11 April 2002:

(*a*) The Special Representative of the Secretary-General on Children and Armed Conflict, Mr. Olara A. Otunnu, introduced his report (E/CN.4/2002/85);

(*b*) The Special Rapporteur on the sale of children, child prostitution and child pornography, Mr. Juan Miguel Petit, introduced his report (E/CN.4/2002/88).

427. In the general debate on agenda item 13, considered concurrently with item 12, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Abduction of children from northern Uganda

428. At the 51st meeting, on 23 April 2002, the observer for Nigeria introduced draft resolution E/CN.4/2002/L.19, sponsored by Nigeria (on behalf of States members of the African Group).

429. Statements in connection with the draft resolution were made by the representatives of the Democratic Republic of the Congo and Uganda.

430. The draft resolution was adopted without a vote. For the text see chapter II, section A, resolution 2002/53.

Rights of the child

431. Also at the 58th meeting, the representative of Uruguay (on behalf of the Group of Latin American and Caribbean States and the European Union) introduced draft resolution E/CN.4/2002/L.68/Rev.1, sponsored by Albania, Argentina, Austria, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Cameroon, Chile, Colombia, Costa Rica, Croatia, Cuba, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Lithuania, Luxembourg, Madagascar, Mauritius, Mexico, Nepal, the Netherlands, Nicaragua, Norway, Paraguay, Peru, the Philippines, Poland, Portugal, Romania, Senegal, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, Switzerland, Thailand, Togo, Tunisia, the United Kingdom of Great Britain and Northern Ireland, Uruguay,

Venezuela, Viet Nam and Yugoslavia. Afghanistan, Algeria, Andorra, Armenia, Australia, Azerbaijan, Bangladesh, Bolivia, Burundi, Canada, China, Congo, Côte d'Ivoire, Cyprus, the Democratic Republic of the Congo, Equatorial Guinea, Haiti, India, Israel, Japan, Kenya, Latvia, Lebanon, the Libyan Arab Jamahiriya, Liechtenstein, Malta, Monaco, Morocco, Mozambique, New Zealand, Nigeria, Pakistan, Panama, the Russian Federation, San Marino, Saudi Arabia, Sierra Leone, the Sudan, Turkey, Uganda, Ukraine and Zambia subsequently joined the sponsors.

432. A statement in connection with the draft resolution was made by the representative of Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission - the Czech Republic and Poland - aligned themselves with the statement) and on behalf of Canada.

433. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

434. The draft resolution was adopted without a vote. For the text see chapter II, section A, resolution 2002/92.

XIV. Specific groups and individuals:

(*a*) Migrant workers;

(*b*) Minorities;

(*c*) Mass exoduses and displaced persons;

(*d*) Other vulnerable groups and individuals

435. The Commission considered agenda item 14, concurrently with item 15, at its 36th meeting, on 11 April2002, at its 39thmeeting, on 15 April 2002, at its 52ndmeeting on 3 April 2002, at its53rd and 54thmeetings on 24 April 2002, and at its 55thmeeting, on 25 April 2002.

436. For the documents issued under agenda item14, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

437. At the 36th meeting, on 11 April 2002:

(*a*) The Special Rapporteur on the human rights of migrants, Ms. Gabriela Rodríguez Pizarro, introduced her report (E/CN.4/2002/94 and Add.1);

(*b*) The Representative of the Secretary-General on internally displaced persons, Mr. Francis M. Deng, introduced his report (E/CN.4/2002/95 and Add.1-2);

(*c*) A member of the Board of Trustees of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, Mr. Theo Van Boven, read out a statement on behalf of the Chairperson of the Board, Mr. Swami Agnivesh, in connection with the report of the Secretary-General on the Fund (E/CN.4/2002/93 and Add.1).

438. At the 39th meeting, on 15 April 2002, Mr. Mounir Bouchenaki, Assistant Director-General for Culture of the UnitedNations Educational, Scientific and Cultural Organization, made a statement.

439. At the 52nd meeting, on 23 April 2002, a statement was read out by a member of the Secretariat on behalf of Mr. Bengt Lindqvist, Special Rapporteur of the Commission for Social Development on disability.

440. In the general debate on agenda item 14, considered concurrently with item 15, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

441. At the 55th meeting, on 25 April 2002, the representative of Mexico introduced draft resolution E/CN.4/2002/L.73, sponsored by Azerbaijan, Bangladesh, Bolivia, Bosnia and Herzegovina, Colombia, the Democratic Republic of the Congo, Ecuador, Egypt, El Salvador, Guatemala, Haiti, Mexico, Morocco, Pakistan, Peru, the Philippines, Senegal, Sri Lanka, Tunisia, Turkey and Uruguay.

442. The draft resolution was adopted without a vote. For the text see chapter II, section A, resolution 2002/54.

443. After the adoption of the resolution, the representative of Canada made a statement in explanation of her delegation's position.

Tolerance and pluralism as indivisible elements in the promotion and protection of human rights

444. At the same meeting the representative of India introduced draft resolution E/CN.4/2002/L.75, sponsored by Afghanistan, Albania, Argentina, Australia, Austria, Bangladesh, Belarus, Bhutan, Brazil, Bulgaria, Canada, Denmark, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Luxembourg, Mexico, Nepal, Norway, Pakistan, the Philippines, Romania, the Russian Federation, Slovenia, Spain, Sri Lanka, Sweden, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Algeria, Bosnia and Herzegovina, Chile, Costa Rica, Croatia, Cyprus, Ecuador, Finland, Georgia, Ireland, Madagascar, Malaysia, Mauritius, the Netherlands, Peru, Portugal, the Republic of Korea, Senegal, Ukraine and Uruguay subsequently joined the sponsors.

445. The draft resolution was adopted without a vote. For the text see chapter II, section A, resolution 2002/55.

Internally displaced persons

446. Also at the 55th meeting, the representative of Austria introduced draft resolution E/CN.4/2002/L.76, sponsored by Angola, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand and Yugoslavia. Andorra, Armenia, Argetina, Ecuador, Ethiopia, Georgia, Japan, Mexico, Peru, the Republic of Korea, the United Kingdom of Great Britain and Northern Ireland and Uruguay subsequently joined the sponsors.

447. The representative of Austria orally revised the fourth, sixth and seventh preambular paragraphs as well as operative paragraphs 1, 3, 5, 10, 15, 16 and 21 of the draft resolution.

448. Statements in connection with the draft resolution were made by the representatives of India, Pakistan and the Sudan.

449. The draft resolution, as orally revised, was adopted without a vote. For the text see chapter II, section A, resolution 2002/56.

Rights of persons belonging to national or ethnic, religious and linguistic minorities

450. At the same meeting, the observer for Austria introduced draft resolution E/CN.4/2002/L.77, sponsored by Angola, Australia, Austria, Bosnia and Herzegovina, Canada, Croatia, the Czech Republic, Denmark, Estonia, Finland, Guatemala, Hungary, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Sri Lanka, Sweden, Switzerland, Thailand, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yugoslavia. Andorra, Argentina, Armenia, Belarus, Bulgaria, Costa Rica, Ecuador, Georgia, Iceland, Peru, the Republic of Korea, the Russian Federation, San Marino, Ukraine and Uruguay subsequently joined the sponsors.

451. The draft resolution was adopted without a vote. For the text see chapter II, section A, resolution 2002/57.

Violence against women migrant workers

452. Also at the 55th meeting, the observer for the Philippines introduced draft resolution E/CN.4/2002/L.78, sponsored by Afghanistan, Azerbaijan, Bangladesh, Cambodia, Chile, Colombia, the Democratic Republic of the Congo, Ecuador, El Salvador, Eritrea, Ethiopia, Ghana, Guatemala, Haiti, Madagascar, Mexico, Morocco, Mozambique, Nicaragua, Panama, Peru, the Philippines, Sierra Leone, Sri Lanka, Swaziland, The former Yugoslav Republic of Macedonia, Togo, Uganda and Uruguay. Cuba and Senegal subsequently joined the sponsors.

453. The draft resolution was adopted without a vote. For the text see chapter II, section A, resolution 2002/58.

Protection of migrants and their families

454. At the same meeting, the representative of Ecuador introduced draft resolution E/CN.4/2002/L.80, sponsored by Algeria, Argentina, Chile, Cuba, Ecuador, El Salvador, Ethiopia, Guatemala, Peru, the Syrian Arab Republic and Uruguay. Armenia, Bangladesh, Haiti, Panama and Senegal subsequently joined the sponsors.

455. The draft resolution was adopted without a vote. For the text see chapter II, section A, resolution 2002/59.

Missing persons

456. Also at the 55th meeting, the representative of Azerbaijan introduced draft resolution E/CN.4/2002/L.81, sponsored by Afghanistan, Angola, Azerbaijan, Bosnia and Herzegovina, Burundi, Costa Rica, the Democratic Republic of the Congo, Egypt, Georgia, the Libyan Arab Jamahiriya and Pakistan. Armenia, Cyprus, Kazakhstan, Panama, Senegal, Ukraine and Yugoslavia subsequently joined the sponsors.

457. Statements in connection with the draft resolution were made by the representatives of Armenia and India.

458. The draft resolution, as orally revised, was adopted without a vote. For the text see chapter II, section A, resolution 2002/60.

Human rights of persons with disabilities

459. At the same meeting, the representative of Ireland introduced draft resolution E/CN.4/2002/L.84, sponsored by Albania, Angola, Australia, Austria, Bangladesh, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Cameroon, Canada, Colombia, Congo, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Equatorial Guinea, Finland, France, Germany, Greece, Guatemala, Iceland, Ireland, Italy, Luxembourg, Madagascar, Malta, Mauritius, Mexico, the Netherlands, New Zealand, Norway, Peru, the Philippines, Poland, Portugal, Romania, Slovenia, Spain, the Sudan, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, the United Kingdom of Great Britain and Northern Ireland. Albania, Algeria, Andorra, Argentina, Armenia Chile, the Dominican Republic, Georgia, Japan, Morocco, Peru, San Marino, Senegal, Turkey, Ukraine, Uruguay and Yugoslavia subsequently joined the sponsors.

460. The draft resolution was adopted without a vote. For the text see chapteII, section A, resolution 2002/61.

Human rights of migrants

461. Also at the 55th meeting, the representative of Mexico introduced draft resolution E/CN.4/2002/L.86, sponsored by Algeria, Argentina, Armenia, Azerbaijan, Bangladesh, Belarus, Bolivia, Bosnia and Herzegovina, Brazil, Burundi, Chile, Congo, Costa Rica, the Democratic Republic of the Congo, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, India, Indonesia, Kenya, Madagascar, Mauritania, Mexico, Morocco, Nicaragua, Nigeria, Pakistan, Peru, the Philippines, Portugal, Senegal, Sri Lanka, the Sudan, Swaziland, Tunisia, Turkey, Uruguay, Yemen and Yugoslavia. Costa Rica and Pakistan subsequently joined the sponsors.

462. The representative of Mexico orally revised the fourteenth preambular paragraph and operative paragraphs 3, 4 and 24 of the draft resolution.

463. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

464. The draft resolution, as orally revised, was adopted without a vote. For the text see chapter II, section A, resolution 2002/62.

The rights of non-citizens

465. Also at the same meeting, the Commission considered draft decision6 recommended by the Sub-Commission for adoption by the Commission (seeE/CN.4/2002/2 E/CN.4/Sub.2/2001/40, chapter 1).

466. The draft decision was adopted without a vote. For the text see chapter II, section B, decision 2002/…

XV. Indigenous issues

467. The Commission considered agenda item 15, concurrently with item 14, at its 39th and 40th meetings, on 15 April, at its 52nd meeting, on 23 April, at its 53rd and 54theetings, on 24 April, and at its 55th meeting, on 25 Apli2002.

468. For the documents issued under agenda item 15, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V to the present report.

469. At the 39th meeting, on 15 April 2002:

(*a*) The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. Rodolfo Stavenhagen, introduced his report (E/CN.4/2002/97 and Add.1);

(*b*) The Chairperson-Rapporteur of the working group on a draft United Nations declaration on the rights of indigenous peoples, Mr. Luis Enrique Chávez, introduced the report of the working group (E/CN.4/2002/98);

(*c*) The Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights, Mrs. EricaIrene Daes, introduced the report on indigenous peoples and their relationship to land (E/CN.4/Sub.2/2001/21).

470. At the same meeting, Mr. Michael Dodson, in his capacity as Chairperson of the Advisory Group of the United Nations Voluntary Fund for the International Decade of the World's Indigenous People, made a statement and a second statement on behalf of the Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations, Mrs. Victoria TauliCorpuz.

471. In the general debate on agenda item 15, considered concurrently with item 14, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People

472. At the 55th meeting, on 25 April 2002, the observer for New Zealand introduced draft resolution E/CN.4/2002/L.79, sponsored by Argentina, Australia, Brazil, Canada, Chile, Cyprus, Denmark, Ecuador, Estonia, Finland, France, Greece, Guatemala, Iceland, Ireland, Mexico, New Zealand, Norway, Peru, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Andorra, Costa Rica, Germany, Peru, the Russian Federation and Ukraine subsequently joined the sponsors.

473. A statement in connection with the draft resolution was made by the representative of Pakistan.

474. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

475. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/63.

476. In view of the adoption of resolution 2002/63, the Commission took no action on draft decision 2 and draft decision 3, as recommended by the Sub-Commission on the Promotion and Protection of Human Rights for adoption by the Commission (see E/CN.4/2002/2-E/CN.4/Sub.2/2001/40, chap. I).

Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

477. At the 55th meeting, on 25 April 2002, the representative of Canada introduced draft resolution E/CN.4/2002/L.83, sponsored by Albania, Argentina, Australia, Belgium, Brazil, Canada, Chile, Denmark, Estonia, Finland, France, Greece, Guatemala, Mexico, New Zealand, Norway, Peru, Spain, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Austria, Costa Rica, Cyprus, the Dominican Republic, Ecuador, Germany, Peru and Sweden subsequently joined the sponsors.

478. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

479. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/64.

Human rights and indigenous issues

480. At the 55th meeting, on 25 April 2002, the representative of Mexico (also on behalf of Guatemala) introduced draft resolution E/CN.4/2002/L.85, sponsored by Armenia, Burundi, Chile, Cyprus, the Democratic Republic of the Congo, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Italy, Luxembourg, Mexico, the Netherlands, Norway, Panama, Peru, Romania, South Africa, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Argentina, Australia, Brazil, Canada, Costa Rica, Croatia, the Dominican Republic, New Zealand, Portugal and Rwanda subsequently joined the sponsors.

481. At the same meeting, the representative of Mexico orally revised the sixth preambular paragraph and operative paragraph 14. Operative paragraph 13 was deleted; it read as follows:

> "*Urges* States that have not yet done so to ratify or accede to the core human rights international treaties as a matter of urgency, with a view to achieving universal ratification by the year 2005 and contributing to the enhancement of the promotion and protection of the human rights and fundamental freedoms of indigenous people;".

482. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

483. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/65.

Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights

484. At the 55th meeting, the representative of the United Kingdom of Great Britain and Northern Ireland introduced draft decision E/CN.4/2002/L.74, sponsored by the United Kingdom of Great Britain and Northern Ireland and replacing draft decision 7, as recommended by the Sub-Commission on the Promotion and Protection of Human Rights.

485. At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland orally revised draft decision E/CN.4/2002/L.74.

486. At the same meeting, the representative of Cuba orally amended draft decision E/CN.4/2002/L.74.

487. At the same meeting, the representative of Pakistan further amended draft decision E/CN.4/2002/L.74.

488. Statements in connection with the draft decision were made by the representatives of Algeria and Argentina.

489. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

490. The draft decision was adopted, as orally revised and amended, without a vote. For the text, see chapter II, section B, decision 2002/...

491. In view of the adoption of decision 2002/..., no action was taken on draft decision 7, as recommended by the Sub-Commission on the Promotion and Protection of Human Rights (see E/CN.4/2002/2-E/CN.4/Sub.2/2001/40, chap. I).

XVI. Report of the Sub-Commission on the Promotion and Protection of Human Rights:

(*a*) Report and draft decisions;

(*b*) Election of members

492. The Commission considered agenda item 16, concurrently with items 17, 18, 19 and 20, at its 52nd meeting, on 23 April, and at its 55th meeting, on 25 April 2002.

493. For the documents issued under agendaitem 16, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

494. In the general debate on agenda item 16, considered concurrently with items 17, 18, 19 and 20, statements were made by members of the Commission and non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

(*a*) Report and draft decisions

495. At the 51st meeting, on 23 April 2002, Mr. David Wissbrodt, Chairperson of the fifty-fourth session of the Sub-Commission on the Promotion and Protection on Human Rights, introduced his report (E/CN.4/2002/99).

The work of the Sub-Commission on the Promotion and Protection of Human Rights

496. At the 55th meeting, on 25April 2002, the observer for Luxembourg introduced draft resolution E/CN.4/2002/L.87, sponsored by Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, the Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Andorra, Armenia, Chile, Malta, Switzerland and Ukraine subsequently joined the sponsors.

497. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2002/66.

498. In the view of the adoption of resolution2002/66, no action was taken on draft decision 8, and draft decision 9, as recommended by the Sub-Commission on the Promotion and Protection of Human Rights (see E/CN.4/2002/2E/CN.4/Sub.2/2001/40, chap. 1).

The Sub-Commission on the Promotion and Protection of Human Rights

499. At the 55th meeting, on 25 April 2002, the representative of Nigeria introduced draft decision E/CN.4/2002/L.114, sponsored by Nigeria (on behalf of the States members of the African Group). Cuba, and Uruguay subsequently joined the sponsors.

500. A statement in connection with the draft decisions was made by the representative of Canada.

501. At the request of the representative of Canada, a recorded vote was taken on the draft decision, which was adopted by 52 to none, with 1 abstention.The voting was as follows:

In favour:	Algeria, Argentina, Armenia, Austria, Bahrain, Belgium, Brazil, Burundi, Cameroon, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Democratic Republic of the Congo, Ecuador, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Poland, Portugal, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Viet Nam, Zambia.
Against:	None.
Abstaining:	Canada.

502. For the text of the decision, see chapter II, section B, decision 2002/...

(*b*) Election of members

503. The Commission had before it a note by the Secretary-General containing nominations of candidates for election to membership of the Sub-Commission on the Promotion and Protection of Human Rights and biographical data on the candidates (E/CN.4/2002/00 and Add.1-2).

504. In accordance with Economic and Social Council resolutions 1334 (XLIV) of 31 May 1968 and 1986/35 of 23 May 1986, and decisions 1978/21 of 5 May 1978 and 1987/102 of 6 February 1987, the Commission, at its forty-fourth session (39th meeting, held on 29 February 1988), elected by secret ballot 26 members of the Sub-Commission from nominations of experts made by States Members of the United Nations, on the following basis: (*a*) seven members from African States; (*b*) five members from Asian States; (*c*) three members from Eastern European States; (*d*) five members from Latin American and Caribbean States; (*e*) six members from Western European and other States.

505. Pursuant to Economic and Social Council resolution 1986/35, members of the Sub-Commission are elected for a term of four years, and half of the membership and the corresponding alternates, if any, are elected every two years.

506. As the term of office of half of the membership of the Sub-Commission had expired, the Commission was called upon to hold an election of SubCommission members and alternates on the following basis: three members from African States, three members from Asian States, one member from Eastern European States, three members from Latin American and Caribbean States, and three members from Western European and other States.

507. At its 55th meeting, on 25 April 2002, the Commission elected, without a vote, 13 members of the Sub-Commission and their corresponding alternates, if any, for a period of four years. The following canddates were elected:

African States

Ms. Lalaina Rakotoarisoa	**Madagascar**
Mr. Rui Baltazar Dos Santos Alves	**Mozambique**
Mr. Cristiano Dos Santos*	
Mr. El Hadji Guissé	**Senegal**

Asian States

Mr. Shiqiu Chen	**China**
Mr. Xinsheng Liu*	
Mr. Soli Jehangir Sorabjee	**India**
Mr. Abdul Sattar	**Pakistan**
Mr. Khalid Aziz Babar*	

Eastern European States

Mr. Vladimir A. Kartashkin	**Russian Federation**
Mr. Oleg S. Malguinov*	

Latin American and Caribbean States

Mr. Paulo Sérgio Pinheiro	**Brazil**
Ms. Marília Sardenberg Zelner Gonçalves*	
Mr. José Bengoa	**Chile**
Ms. Florizelle O'Connor	**Jamaica**

Western European and other States

Mr. Emmanuel Decaux **Ms. Michèle Picard***	**France**
Ms. Kalliopi K. Koufa **Mr. Nikolaos Zaikos***	**Greece**
Ms. Françoise Hampson	**United Kingdom of Great Britain and Northern Ireland**

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* **Alternate.**

XVII. Promotion and protection of human rights:

(*a*) Status of the International Covenants on Human Rights;

(*b*) Human rights defenders;

(*c*) Information and education;

(*d*) Science and the environment

508. The Commission considered agenda item 17, concurrently with items 16, 18, 19 and 20, at its 45th meeting, on 18 April, at its 52nd meeting, on 23 April, at its 56th meeting, on 25 April and at its 57th meeting, on 26 April 2002.

509. For the documents issued under agenda item 17, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

510. At the 45th meeting, on 18 April 2002, the Special Representative of the Secretary-General on human rights defenders, Ms. Hina Jilani, introduced her report (E/CN.4/2002/106 and Adds.1-2).

511. At the 52nd meeting, on 23 April 2002, Mr. Miguel Alfonso Martínez, Special Rapporteur of the Sub-Commission on human rights and human responsibilities, introduced his report (E/CN.4/2002/107).

512. In the general debate on agenda item 17, considered concurrently with items 16, 18, 19 and 20, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Human rights defenders

513. At the 56th meeting, on 25 April 2002, the observer for Norway introduced draft resolution E/CN.4/2002/L.89, sponsored by Argentina, Australia, Austria, Belgium, Botswana, Brazil, Bulgaria, Canada, Costa Rica, Croatia, the Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Monaco, Nepal, the Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Thailand, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela and Yugoslavia. Chile, Costa Rica, the Dominican Republic, Morocco, Pakistan, the Republic of Korea, San Marino, Senegal, Switzerland, Tunisia, Ukraine and Uruguay subsequently joined the sponsors.

514. The draft resolution was adopted without a vote. For the text see chapter II, section A, resolution 2002/70.

Promotion of the right of peoples to peace

515. Also at the 56th meeting, the representative of Cuba introduced draft resolution E/CN.4/2002/L.90, sponsored by Algeria, Angola, Benin, Botswana, Burundi, Congo, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Equatorial Guinea, Ghana, Haiti, Kenya, Lesotho, the Libyan Arab Jamahiriya, Mozambique, Rwanda, Sierra Leone, the Sudan, Swaziland, the Syrian Arab Republic, Togo and Yemen. Tunisia subsequently joined the sponsors.

516. Statements in explanation of vote before the vote were made bythe representatives of Canada and Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland; th associated countries that are members of the Commission - the Czech Republic and Poland - aligned themselves with the statement).

517. At the request of the representative of Spain a recorded vote was taken onthe draft resolution, which was adopted by 33 votes to 15, with 5 abstentions. The voting was as follows:

In favour:	Algeria, Armenia, Bahrain, Burundi, Cameroon, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.
Against:	Austria, Belgium, Canada, Croatia, Czech Republic, France, Germany, Italy, Japan, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland
Abstaining:	Argentina, Brazil, Guatemala, India, Senegal.

518. For the text of the resolution as adopted, see chapter II, sectionA, resolution 2002/71.

Promotion of a democratic and equitable international order

519. Also at the 56th meeting, the representative of Cuba introduced draft resolution E/CN.4/2002/L.91, sponsored by Algeria, Angola, Benin, Botswana, Burundi, China, Congo, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, the Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Ghana, Haiti, Iraq, Kenya, Lesotho, the Libyan Arab Jamahiriya, Madagascar, Pakistan, Rwanda, South Africa, the Sudan, Swaziland, the Syrian Arab Republic, Togo, Viet Nam and Yemen. Bangladesh, Malaysia and Qatar subsequently joined the sponsors.

520. A statement in explanation of vote before the vote was made by the representative of Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission - the Czech Republic and Poland - aligned themselves with the statement).

521. At the request of the representative of Spain, a recorded vote was taken on the draft resolution, which was adopted by 32 votes to 15, with 6 abstentions. The voting was as follow

In favour: Algeria, Armenia, Bahrain, Brazil, Burundi, Cameroon, China, Costa Rica, Cuba, Democratic Republic of the Congo, EcuadorIndia, Indonesia, Kenya, Libyan Arab Jamahiriya, MalaysiaNigeria, Pakistan, Russian Federation, Saudi Arabia,Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Venezuela, Viet Nam, Zambia.

Against: Austria, Belgium, Canada, Croatia, Czech Republic, France, Germany, Italy, Japan, Poland, Portugal, Republic of Korea, Spai, Sweden, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Argentina, Chile, Guatemala, Mexico, Peru, Uruguay.

522. For the text of the resolution as adopted, see chapter II, sectionA, resolution 2002/72.

Human rights and international solidarity

523. Also at the 56th meeting, the representative of Cuba introduced draft resolution E/CN.4/2002/L.92, sponsored by Algeria, Angola, China, Congo, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Equatorial Guinea, Ethiopia, Ghana, Haiti, Iraq, Kenya, the Libyan Arab Jamahiriya, Madagascar, Rwanda, the Sudan, Swaziland, the Syrian Arab RepublicTogo, Tunisia, Viet Nam and Yemen. Cameroon, Ecuador and Egyptsubsequently joined the sponsors.

524. Statements in explanation of vote before the vote were made by the representatives of Canada and Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission - the Czech Republic and Poland - aligned themselves with the statement).

525. At the request of the representative of Spain, a recorded vote was taken on the draft decision, which was adopted by 38 votes to 15. The voting was as follows:

In favour:	Algeria, Argentina, Armenia, Bahrain, Brazil, Burundi, Cameroon, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, Guatemala, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.
Against:	Austria, Belgium, Canada, Croatia, Czech Republic, France, Germany, Italy, Japan, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.
Abstaining:	None.

526. For the text of the resolution as adopted, see chapter II, section A, resolution 2002/73.

Human rights and human responsibilities

527. Also at the 56th meeting, the representative of Indonesia introduced draft decision E/CN.4/2002/L.95, sponsored by Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, the Libyan Arab Jamahiriya, Nepal, Pakistan, the Philippines, Saudi Arabia, Sri Lanka, the Sudan, the Syrian Arab Republic and Viet Nam. Algeria, the Islamic Republic of Iran, Malaysia, Nigeria, Swaziland and Togo subsequently joined the sponsors.

528. A statement in explanation of vote before the vote was made by the representative of Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission - the Czech Republic and Poland - aligned themselves with the statement).

529. At the request of the representative of Spain, a recorded vote was taken on the draft resolution, which was adopted by 33 votes to 14, with 6 abstentions. The voting was as follows:

In favour:	Algeria, Bahrain, Brazil, Burundi, Cameroon, Chile, China, Cuba, Democratic Republic of the Congo, Ecuador, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.

Against: Austria, Belgium, Canada, Croatia, Czech Republic, France, Germany, Italy, Japan, Poland, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Argentina, Armenia, Costa Rica, Guatemala, Peru, Republic of Korea.

530. For the text of the decision as adopted, see chapter II, section A, decision 2002/110.

United Nations Decade for Human Rights Education (1995-2004)

531. At the 56th meeting, on 25 April 2002, the representative of Costa Rica introduced draft resolution E/CN.4/2002/L.97, sponsored by Costa Rica, the Czech Republic, Denmark, Guatemala, Ireland and Mexico. Armenia, Andorra, Austria, Australia, Canada, Croatia, the Dominican Republic, Ecuador, Georgia, Italy, Japan, Norway, Peru, Portugal, the Republic of Korea, Senegal, Slovakia, Spain, Thailand, Tunisia, Uruguay, Ukraine and Venezuela subsequently joined the sponsors.

532. The representative of Costa Rica orally revised the draft resolution by inserting a new operative paragraph 5 and making changes to operative paragraphs 11, 12, 14 and 16.

533. A statement in connection with the draft resolution was made by the representative of India.

534. The draft resolution, as orally revised, was adopted without a vote. For the text see chapter II, section A, resolution 2002/74.

Human rights and the environment as part of sustainable development

535. Also at the 56th meeting, the representative of Costa Rica introduced draft resolution E/CN.4/2002/L.98. Georgia, Peru, Switzerland and Uruguay subsequently joined the sponsors.

536. The representative of Costa Rica revised the draft resolution on the basis of a text made available to the members of the Commission.

537. The draft resolution, as revised, was adopted without a vote. For the text see chapter II, section A, resolution 2002/75.

Sub-Commission resolution 2001/17 on reservations to human rights treaties

538. At the same meeting, the representative of Japan introduced draft decision E/CN.4/2002/L.100/Rev.1, sponsored by Japan (on behalf of States members of the Asian Group).

539. The draft decision was adopted without a vote. For the text see chapter II, section B, decision 2002/111.

Fundamental standards of humanity

540. At the same meeting, the observer for Norway introduced draft decision E/CN.4/2002/L.101/Rev.1, sponsored by Argentina, Canada, Denmark, Finland, Ireland, Latvia, Mexico, Norway, Poland, Senegal, South Africa, Spain, Sweden and Switzerland. Belgium, Ecuador, Georgia, Iceland, Portugal and Ukraine subsequently joined the sponsors.

541. The draft decision was adopted without a vote. For the text see chapter II, section B, decision 2002/112.

The role of good governance in the promotion of human rights

542. At the 56th meeting, the observer for Australia introduced draft resolution E/CN.4/2002/L.102, sponsored by Afghanistan, Albania, Australia, Belgium, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Chile, Croatia, Cyprus, the Democratic Republic of the Congo, Denmark, Finland, Georgia, Germany, Ghana, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mexico, Morocco, Nepal, New Zealand, Norway, Panama, Poland, Portugal, the Republic of Korea, Romania, San Marino, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Austria, Armenia, Azerbaijan, Cambodia, Colombia, Costa Rica, Ecuador, France, Greece, Italy, Malta, the Netherlands, Peru, the Republic of Moldova, Senegal, Sierra Leone and Yugoslavia subsequently joined the sponsors.

543. A statement in connection with the draft resolution was made by the representative of Pakistan.

544. The draft resolution was adopted without a vote. For the text see chapter II, section A, resolution 2002/76.

The question of the death penalty

545. Also at the 56th meeting, the representative of Spain (on behalf of the European Union) introduced draft resolution E/CN.4/2002/L.104, sponsored by Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Haiti, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Monaco, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela and Yugoslavia. Bolivia and Honduras subsequently joined the sponsors.

546. Statements in connection with the draft resolution were made by the representatives of Algeria and India.

547. At the request of the representative of India, a recorded vote was taken on operative paragraphs 4 (*g*), 5 (*b*) and 7 of the draft resolution. Thproposal for deletion of these operative paragraphs was rejected by 18 votes to 27, with 7 abstentions. The voting was as follows:

In favour: Bahrain, Burundi, China, Cuba, Democratic Republic of the Congo, India, Indonesia, Japan, Kenya, Malaysia, Nigria, Republic of Korea, Sierra Leone, Sudan, Swaziland, Syrian Arab Republic, Thailand, Viet Nam.

Against: Algeria, Argentina, Armenia, Austria, Belgium, Brazil, Canada, Chile, Costa Rica, Croatia, Czech Republic, Ecuador, France, Germany, Italy, Mexico, Peru, Poland, Portugal, Russian Federation, Saudi Arabia, Spain, Sweden, Togo, UnitedKingdom of Great Britain and NorthernIreland, Uruguay, Venezuela.

Abstaining: Cameroon, Guatemala, Libyan Arab Jamahiriya, Pakistan, Senegal, Uganda, Zambia.

548. Statements in explanation of vote before the vote on the draft resolution were made by the representatives of the Democratic Republic of the Congo, the Libyan Arab Jamahiriya and Saudi Arabia (on behalf of a group of States).

549. At the request of the representative of the Democratic Republic of the Congo, a recorded vote was taken on the draft resolution as a whole, which was adopted by 25 votes to 20, with 8 abstentions. The voting was as follows:

In favour: Argentina, Armenia, Austria, Belgium, Brazil, Canada, Chile, Costa Rica, Croatia, Czech Republic, Ecuador, France, Germany, Italy, Mexico, Peru, Poland, Portugal, Russian Federation, South Africa, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Against: Algeria, Bahrain, Burundi,China, Indonesia, Japan,Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan,Republic of Korea, Saudi Arabia, Sierra Leone, Sudan, Swaziland,Syrian Arab Republic, Thailand, Togo, Uganda, Viet Nam.

Abstaining: Cameroon, Cuba, Democratic Republic of the Congo, Guatemala, India, Kenya, Senegal, Zambia.

550. For the text of the resolution see chapterII, section A, resolution 2002/77.

Status of the International Covenants on human rights

551. Also at the 56th meeting, the observer for Finland introduced draft resolution E/CN.4/2002/L.107, sponsored by Afghanistan, Albania, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, Finland, Georgia, Germany, Greece, Guatemala, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Panama, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia and Ukraine. Argentina and France subsequently joined the sponsors.

552. The draft resolution was adopted without a vote. For the text see chapter II, section A, resolution 2002/78.

Impunity

553. Also at the 56th meeting, the representative of Canada introduced draft resolution E/CN.4/2002/L.109, sponsored by Albania, Australia, Belgium, Bosnia and Herzegovina, Canada, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Guatemala, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Peru, Poland, Slovakia, Slovenia, South Africa, Spain, Switzerland, the United Kingdom of Great Britain and Northern Ireland, and Yugoslavia. Austria, Armenia, Costa Rica, Ecuador, Greece, Georgia, Hungary, Latvia, Portugal, the Republic of Korea, Romania, Sierra Leone, Swden and The former Yugoslav Republic of Macedonia subsequently joined the sponsors.

554. For the text of the resolution see chapter II, section A, resolution 2002/79.

Enhancement of international cooperation in the field of human rights

555. At the 57th meeting, on 26 April 2002, the representative of South Africa introduced draft resolution E/CN.4/2001/L.115, sponsored by South Africa (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries) and China.

556. Statements in explanation of vote before the vote on the draft resolution were made by Canada, Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission - the Czech Republic and Poland - aligned themselves with the statement) and the Syrian Arab Republic.

557. At the request of the representative of Canada, a recorded vote was taken on the draft resolution as a whole, which was adopted by 40 votes to none, with 13 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Armenia, Bahrain, Brazil, Burundi, Cameroon, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, Guatemala, India, Indonesia, Japan, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Afria, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.

Against: None.

Abstaining: Austria, Belgium, Canada, Croatia, CzechRepublic, France, Germany, Italy, Poland, Portugal, Spain, Sweden, United Kingdomof Great Britain and Northern Ireland.

558. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2002/86.

Protection of human rights in countering terrorism

559. At the 58th meeting, the representative of Mexico withdrew draft resolution E/CN.4/2002/L.110, sponsored by Belgium, Brazil, Chile, Croatia, the Czech Republic, Denmark, Ecuador, Finland, France, Germany, Ireland, Italy, Luxembourg, Mexico, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland. Austria, Costa Rica, Greece, Iceland, Liechtenstein, Malta, New Zealand, Nigeria, Romania, Slovenia and Uruguay had subsequently joined the sponsors.

560. A statement in connection with the withdrawal of the draft resolution was made by the representative of France.

561. The draft resolution read as follows:

"*The Commission on Human Rights,*

"*Reaffirming* the fundamental importance at all times, including in response to terrorism and the fear of terrorism, of human rights and fundamental freedoms, and the protection of the innocent,

"*Stressing* that everyone is entitled to all the rights and freedoms recognized in the Universal Declaration of Human Rights without discrimination of any kind, such as race, colour, sex, language, religion, political and other opinion, national or social origin, property, birth or other status, and that this applies in all circumstances,

"*Mindful* that the Security Council adopted resolution 1373 (2001) of 28 September 2001, requiring States to adopt counter-terrorism measures, and resolution 1377 (2001) of 12 November 2001, recognizing, inter alia, the value of assistance and best practice in the struggle against terrorism,

"1. *Reminds* States that they must ensure that any measures taken to combat terrorism comply with their obligations under international human rights law, international refugee law and international humanitarian law, taking into consideration relevant comments, concluding observations and views of the human rights treaty bodies and recommendations of the relevant special procedures and mechanisms of the Commission on Human Rights;

"2. *Decides* to request the United Nations High Commissioner for Human Rights to provide guidance on the questionof protecting human rights and fundamental freedoms whilst countering terrorism, as well as:

"(*a*) To provide assistance and advice to States and United Nations bodies;

"(*b*) To make specific and timely recommendations to States concerning the applicable international law, in particular human rights law, in relation to actual and proposed measures, laws and practices;

"(*c*) To analyse the effects of counter-terrorism measures, laws and practices on the promotion and protection of human rights and fundamental freedoms;

"(*d*) To draw on the work, experience, recommendations and decisions of the various Charter- and treaty-based human rights procedures and other relevant bodies and to seek, receive and exchange information from all relevant sources, incluihg Governments and international and non-governmental organizations, for this purpose;

"3. *Requests* the High Commissioner to submit an interim report to the General Assembly at its fifty-seventh session and a full analytical report to the Commission at its fifty-ninth session on the implementation of the present resolution."

XVIII. Effective functioning of human rights mechanisms:

(*a*) Treaty bodies;

(*b*) National institutions and regional arrangements;

(*c*) Adaptation and strengthening of the United Nations machinery for human rights.

562. The Commission considered agenda item 18, concurrently with items 16, 17, 19 and 20, at its 46th meeting, on 18 April, at its 52nd meeting on 23 April, at its 53rd and 54th meetings, on 24 April, at its 56th meeting, on 25 April, and at its 57th meeting, on 26 April 2002.

563. For the documents issued under agenda item 18, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

564. In the general debate on agenda item 18, considered concurrently with items 16, 17, 19 and 20, statements were made by members of the Commission, observers, representatives of national institutions and of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

565. At the 57th meeting, on 25 April 2002, the representative of Cuba introduced draft resolution E/CN.4/2002/L.94, sponsored by Algeria, Angola, Bahrain, Bangladesh, Belarus, Benin, Bhutan, Burundi, Cambodia, Cameroon, China, Colombia, Congo, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, the Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Ghana, Haiti, India, Indonesia, the Islamic Republic of Iran, Iraq, Kenya, Lebanon, Lesotho, the Libyan Arab Jamahiriya, Madagascar, Mauritania, Morocco, Mozambique, Nepal, Nigria, Oman, Pakistan, Qatar, Rwanda, Saudi Arabia, South Africa, Sri Lanka, the Sudan, Swaziland, the Syrian Arab Republic, Togo, Tunisia, Uganda, the United Arab Emirates, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe. Armenia, Malaysia, Peru and Uruguay subsequently joined the sponsors.

566 Statements in explanation of vote before the vote were made by the representatives of Canada, the Russian Federation and Spain (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Italy, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland; the associated countries that are members of the Commission- the Czech Republic and Poland - aligned themselves with the statement).

567. At the request of the representative of Spain, a recorded vote was taken on the draft resolution, which was adopted by 36 votes to 14, with 3 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Armenia, Bahrain, Brazil, Burundi, Cameroon, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zambia.

Against: Austria, Belgium, Canada, Czech Republic, France, Germany, Italy, Japan, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Croatia, Guatemala, Mexico.

568. For the text of the resolution, see chapter II, section A, resolution 2002/80.

Protection of United Nations personnel

569. Also at the 57th meeting, the representative of Portugal introduced draft resolution E/CN.4/2002/L.96, sponsored by Albania, Angola, Argentina, Austria, Belgium, Canada, Cyprus, Denmark, Ecuador, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Lithuania, Luxembourg, Malta, Mozambique, New Zealand, Norway, Peru, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Andorra, Australia, Brazil, Croatia, Georgia, Japan, Liechtenstein, the Netherlands, Peru, Senegal, Switzerland, Ukraine and Venezuela subsequently joined the sponsors.

570. The draft resolution was adopted without a vote. For the text see chapter II, section A, resolution 2002/81.

Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region

571. Also at the 57th meeting, the representative of Lebanon introduced draft resolution E/CN.4/2001/L.99, sponsored by Australia, Bangladesh, Bhutan, China, Cyprus, India, Indonesia, the Islamic Republic of Iran, Kuwait, Lebanon, Mongolia, Nepal, New Zealand, Pakistan, Qatar, Saudi Arabia, Sri Lanka, the United Arab Emirates, Viet Nam and Yemen. Japan, Oman, the Philippines, the Republic of Korea and Thailand subsequently joined the sponsors.

572. The draft resolution was adopted without a vote. For the text see chapter II, section A, resolution 2002/82.

National institutions for the promotion and protection of human rights

573. At the same meeting, the observer for Australia introduced draft resolution E/CN.4/2002/L.103, sponsored by Afghanistan, Albania, Armenia, Australia, Austria, Bangladesh, Belarus, Cameroon, the Democratic Republic of the Congo, Denmark, Equatorial Guinea, Ethiopia, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Nepal, New Zealand, Norway, the Philippines, Romania, Slovakia, Slovenia, Spain, Sri Lanka, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, the United Kingdom of Great Britain and Northern Ireland and Venezuela. Argentina, Azerbaijan, Bosnia and Herzegovina, Canada, Colombia, Costa Rica, Croatia, Cyprus, Ecuador, France, India, Indonesia, Israel, Japan, Malta, Peru, Poland, the Republic of Korea, the Republic of Moldova, the Russian Federation, Senegal, South Africa, Sweden, Turkey, Uganda, Ukraine, the United States of America and Yugoslavia subsequently joined the sponsors.

574. The observer for Australia orally revised the draft resolution by revising the ninth preambular paragraph and operative paragraph 2.

575. The draft resolution, as orally revised, was adopted without a vote. For the text see chapter II, section A, resolution 2002/83.

Human rights and thematic procedures

576. At the same meeting, the representative of the Czech Republic introduced draft resolution E/CN.4/2002/L.105, sponsored by Australia, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Finland, France, Georgia, Germany, Guatemala, Hungary, Iceland, Ireland, Lithuania, Malta, Mexico, the Netherlands, New Zealand, Norway, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Austria, Belgium, Costa Rica and Italy subsequently joined the sponsors.

577. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

578. The draft resolution was adopted without a vote. For the text see chapter II, section A, resolution 2002/84.

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

579. Also at the 57th meeting, the representative of Canada introduced draft resolution E/CN.4/2002/L.112, sponsored by Australia, Austria, Canada, Chile, Cyprus, Denmark, Finland, Germany, Guatemala, Ireland, Luxembourg, Mexico, the Netherlands,

New Zealand, Norway, Poland, Portugal, Romania and Switzerland. Andorra, Costa Rica, Croatia, France, Georgia, Hungary, Italy, Japan, Liechtenstein, the Republic of Korea, South Africa, Spain, Sweden, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

580. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

581. The draft resolution, was adopted without a vote. For the text see chapter II, section A, resolution 2002/85.

XIX. Advisory services and technical cooperation in the field of human rights

582. The Commission considered agenda item 19, concurrently with items 16, 17, 18 and 20, at its 46th meeting, on 18 April, at its 50th meeting, on 22 April, at its 52nd meeting, on 23 April, and at its 57th meeting, on 26 April 2002.

583. For the documents issued under agenda item 19, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

584. At the 46th meeting, on 18 April 2002, the independent expert on the situation of human rights in Somalia, Mr. Ghanim Alnajjar, introduced his report (E/CN.4/2002/119).

585. At the 47th meeting, on 19 April 2002, Ms. Leila I. Takla, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, made a statement.

586. At the 50th meeting, on 22 April 2002, Mr. Peter Leuprecht, Special Representative of the Secretary-General for human rights in Cambodia, introduced his report (E/CN.4/2002/118).

587. At the 52nd meeting, on 23 April 2002, Mr. Louis Joinet, independent expert on the situation on human rights in Haiti, made a statement.

588. In the general debate on agenda item 19, considered concurrently with items 16, 17, 18 and 20, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Advisory services and technical cooperation in the field of human rights

589. At the 57th meeting, on 26 April 2002, the representative of India introduced draft resolution E/CN.4/2002/L.108/Rev.1, sponsored by Afghanistan, Albania, Australia, Bangladesh, Belgium, Bhutan, Bulgaria, China, Colombia, Croatia, Cuba, Cyprus, Denmark, Egypt, El Salvador, Ethiopia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, India, Indonesia, Ireland, Italy, Liechtenstein, Nepal, New Zealand, Norway, Pakistan, the Philippines, Poland, the Republic of Korea, Romania, the Russian Federation, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Yemen and Yugoslavia. Angola, Armenia, Argentina, Austria, Azerbaijan, Benin, Bosnia and Herzegovina, Canada, Chile, Congo, the Democratic Republic of the Congo, the Dominican Republic, Ecuador, Gabon, Ghana, Guatemala, Haiti, Japan, Luxemburg, Madagascar, Mongolia, Mozambique, the Netherlands, Peru, Portugal, Oman, Qatar, Senegal, Sierra Leone, Sri Lanka, the Sudan, Swaziland, Turkey, Ukraine, Uruguay and Venezuela subsequently joined the sponsors.

590. The draft resolution was adopted without a vote. For the text see chapter II, section A, resolution 2002/87.

Assistance to Somalia in the field of human rights

591. At the 57th meeting, on 26 April 2002, the representative of Italy introduced draft resolution E/CN.4/2001/L.111, sponsored by Australia, Austria, Belgium, Bulgaria, Canada, Denmark, Finland, France, Germany, Guatemala, Ireland, Italy, Japan, Kenya, Liechtenstein, Luxembourg, Malta, Mauritius, the Netherlands, New Zealand, Norway, Portugal, Romania, San Marino, Slovenia, Spain, the Sudan, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Greece subsequently joined the sponsors.

592. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

593. The draft resolution was adopted without a vote. For the text see chapter II, section A, resolution 2002/88.

Situation of human rights in Cambodia

594. Also at the 57th meeting, the representative of Japan introduced draft resolution E/CN.4/2002/L.113, sponsored by Australia, Austria, Canada, Denmark, Finland, Germany, Iceland, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Romania, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. Andorra, Belgium, France, Greece, Ireland, Portugal and Spain subsequently joined the sponsors.

595. The representative of Japan orally revised operative paragraphs 8 and 13 of the draft resolution.

596. A statement in connection with the draft resolution was made by the observer for Cambodia.

597. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

598. The draft resolution was adopted without a vote. For the text see chapter II, section A, resolution 2002/89.

Technical cooperation and the situation of human rights in Haiti

599. At the 57th meeting, the Chairperson, on behalf of the Commission, made a statement concerning technical cooperation and the situation of human rights in Haiti. (For the text, see below, paragraph XXX.)

Chairperson's statement

600. During the consideration of agenda item 19, the Chairperson made a statement, the text of which reads as follows:

> "Technical cooperation and the situation of human rights in Haiti.
>
> "The Commission welcomes the recent appointment of a new independent expert on the situation of human rights in Haiti, although regretting that it was not done earlier.
>
> "The Commission welcomes and encourages the efforts of the Government of Haiti, the Organization of American States, the Caribbean Community and members of Haitian civil society to bring about dialogue and reconciliation among Haiti's political forces.
>
> "The Commission requests the new independent expert toreport to the Commission at its fifty-ninth session on developments in the situation of human rights and technical cooperation for human rights in Haiti and decides to continue its consideration of the situation of human rights in Haiti at its fiftyninth session under the agenda item entitled 'Advisory services and technical cooperation in the field of human rights'."

XX. Rationalization of the work of the Commission

601. The Commission considered agenda item 20, concurrently with items 16, 17, 18 and 19, at it 52nd meeting, on 22 April, at its 53rd and 54th meetings, on 24 April, and at its 57th meeting, on 26 April 2002.

602. For the documents issued under agenda item 20, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

603. In the general debate on agenda item 20, considered concurrently with items 16, 17, 18 and 19, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Dates of the fifty-ninth session of the Commission on Human Rights

604. At the 57th meeting, on 26 April 2002, the observer for Latvia proposed a draft decision concerning the dates of the fifty-ninth session of the Commission.

605. The draft decision was adopted without a vote. For the text see chapter II, section B, decision 2002/113.

606. At the same meeting, the Chairperson orally proposed a draft decision concerning the expiration of office holders' terms of appointment under special procedures.

607. The draft decision was adopted without a vote. For the text see chapter II, section B, decision 2002/114.

XXI. (*a*) Draft provisional agenda for the fiftyninth session of the Commission

608. The Commission considered agenda item 21 at its 58th meeting, on 26 April 2002.

609. In accordance with the provisions of paragraph 3 of Economic and Social Council resolution 1894 (LVII), of 1 August 1974, the Commission had before it a note from the Secretary-General (E/CN.4/2002/L.1), containing a draft provisional agenda for the fifty-ninth session of the Commission and indicating the documents to be submitted under each agenda item and the legislative authority for their preparation and consideration.

610. The Commission took note of the draft agenda for its fifty-ninth session, which reads as follows:

1. *Election of officers.*

2. *Adoption of the agenda.*

3. *Organization of the work of the session.*

Legislative authority: relevant resolutions and decisions of the General Assembly and the Economic and Social Council and Commission resolution 2002/91, decisions 2002/115, 2002/116 and 2002/118 and Chairperson's statement of 26 April 2002.

Documentation:

(*a*) Comprehensive compilation by the Office of the United Nations High Commissioner for Human Rights of views on enhancing the effectiveness of the working methods of the Commission (resolution 2002/91, para. 3);

(*b*) Report of the United Nations High Commissioner for Human Rights containing an analysis of the situation of human rights in Colombia (statement agreed on by consensus by the Commission, made by the Chairperson on 26 April 2002).

4. *Report of the United Nations High Commissioner for Human Rights and follow-up to the World Conference on Human Rights.*

Legislative authority: General Assembly resolution 48/141; Commission resolutions 1997/69, 2002/1, 2002/2, 2002/50 and 2002/90 and decision 2002/103.

Documentation:

Report of the United Nations High Commissioner for Human Rights (General Assembly resolution 48/141, para.5; Commission resolutions 1997/69, para. 14 and 2002/2, para. 17).

5. ***The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.***

Legislative authority: Commission resolutions 2002/3, 2002/5 and 2002/50.

Documentation:

(*a*) Report of the Secretary-General on the implementation of resolution 2002/3 on the situation in occupied Palestine (para. 2);

(*b*) Report of the Special Rapporteur on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (resolution 2002/5, para. 15).

6. ***Racism, racial discrimination, xenophobia and all forms of discrimination.***

Legislative authority: Commission resolutions 2002/9, 2002/50 and 2002/68.

Documentation:

(*a*) Report of the United Nations High Commissioner for Human Rights on the implementation of resolution 2002/9 on combating defamation of religions (para. 13);

(*b*) Report of the Working Group of Experts on People of African Descent (resolution 2002/68, para. 9);

(*c*) Preliminary study by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (resolution 2002/9, para. 12);

(*d*) Analytical report of the United Nations High Commissioner for Human Rights on the extent of implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (resolution 2002/68, para. 19);

(*e*) Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (resolution 2002/68, para. 36).

7. ***The right to development.***

Legislative authority: Commission resolutions 2002/50 and 2002/69.

Documentation:

(*a*) Report of the United Nations High Commissioner for Human Rights on the importance and application of the principle of equity (resolution 2002/69, para. 24);

(*b*) Report of the Working Group on the Right to Development (resolution 2002/69, para. 27).

8. ***Question of the violation of human rights in the occupied Arab territories, including Palestine.***

Legislative authority: Commission resolutions 1993/2, 2002/6, 2002/7, 2002/8 and 2002/50.

Documentation:

(*a*) Report of the Special Rapporteur (resolutions 1993/2 A, para. 4 and 2002/8, para. 23);

(*b*) Reports of the Secretary-General (resolutions 2002/6, para. 6 and 2002/8, para. 24);

(c) List of United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation (resolution 2002/8, para. 25).

9. ***Question of the violation of human rights and fundamental freedoms in any part of the world, including:***

(*a*) ***Question of human rights in Cyprus;***

(*b*) ***Procedure established in accordance with Economic and Social Council resolutions 1503 (XLVIII) and 2000/3.***

Legislative authority: Economic and Social Council resolutions 1503 (XLVIII), 1990/41 and 2000/3; Commission resolutions 8 (XXIII), 2002/10, 2002/12, 2002/13, 2002/14, 2002/15, 2002/16, 2002/17, 2002/18, 2002/19, 2002/20, 2002/50, 2002/67 and decision 2002/104.

Documentation:

(*a*) Report of the Working Group on Situations (Economic and Social Council resolution 1990/41);

(*b*) Report of the Secretary-General on the human rights situation of the Lebanese detainees in Israel (resolution 2002/10, para. 5 (*b*));

(*c*) Report of the Special Rapporteur on the situation of human rights in Burundi (resolution 2002/12, para. 32);

(*d*) Report of the Special Representative of the Commission on the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia (resolution 2002/13, para. 20);

(*e*) Report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (resolution 2002/14, para. 7*a*));

(*f*) Report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo and of the Special Rapporteur on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances on a joint mission to investigate all massacres carried out on the territory of the Democratic Republic of the Congo (resolution 2002/14, para. 7*b*));

(*g*) Report of the Special Rapporteur on the situation of human rights in Iraq (resolution 2002/15, para. 5 (*a*));

(*h*) Report of the Special Rapporteur on the situation of human rights in the Sudan (resolution 2002/16, para. 7 *a*));

(*i*) Report of the Secretary-General on reprisals against persons cooperating with representatives of United Nations human rights bodies (resolution 2002/17, para. 6);

(*j*) Report of the personal representative of the United Nations High Commissioner for Human Rights on the implementation of resolution 2002/18 on the situation of human rights in Cuba (para. 5);

(*k*) Report of the Special Rapporteur on the situation of human rights in Afghanistan (resolution 2002/19, para. 30 *a*));

(*l*) Report of the United Nations High Commissioner for Human Rights on the human rights situation in Sierra Leone (resolution 2002/20, para. 9(*h*));

(*m*) Report of the Special Rapporteur on the situation of human rights in Myanmar (resolution 2002/67, para. 8 (*d*));

(*n*) Report of the United Nations High Commissioner for Human Rights on the situation of human rights in East Timor (statement agreed on by consensus by the Commission, made by the Chairperson on 19 April 2002);

(*o*) Report of the Secretary-General on the question of human rights in Cyprus (decision 2002/104).

10. *Economic, social and cultural rights.*

Legislative authority: Commission resolutions 2001/32, 2002/21, 2002/22, 2002/23, 2002/24, 2002/25, 2002/26, 2002/27, 2002/28, 2002/29, 2002/30, 2002/31, 2002/32, 2002/49 and 2002/50.

Documentation:

(*a*) Reports of the Special Rapporteur on adequate housing as a component of an adequate standard of living (resolutions 2002/21, para. 7 and 2002/49, para. 13);

(*b*) Report of the Secretary-General on the implications and negative effects of unilateral coercive measures (resolution 2002/22, para. 12 (*b*));

(*c*) Report of the Special Rapporteur on the right to education (resolution 2002/23, para. 9);

(*d*) Report of the independent expert on the question of a draft optional protocol to the International Covenant onEconomic, Social and Cultural Rights (resolution 2002/24, para. 9 (*b*));

(*e*) Report of the Secretary-General on the implementation of resolution 2002/24 on the question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights (para. 10);

(*f*) Report of the Special Rapporteur on the right to food (resolution 2002/25, para. 14);

(*g*) Report of the United Nations High Commissioner for Human Rights on the results of the consultations requested in paragraph 14 of resolution 2002/26 on the promotion of the enjoyment of the cultural rights of everyone and respect for different cultural identities (para. 15);

(*h*) Report of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (resolution 2002/27, paras. 14 and 15);

(*i*) Report of the United Nations High Commissioner for Human Rights on globalization and its impact on the full enjoyment of human rights (resolution 2002/28, para. 10);

(*j*) Analytical report of the independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, in particular, economic, social and cultural rights (resolution 2002/29, para. 12);

(*k*) Report of the open-ended working group established to elaborate policy guidelines on structural adjustment programmes and economic, social and cultural rights (resolution 2002/29, para. 21);

(*l*) Report of the independent expert on the question of human rights and extreme poverty (resolution 2002/30, para. 11 (*g*));

(*m*) Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (resolution 2002/31, para. 11);

(*n*) Report of the Secretary-General on access to medication in the context of pandemics, such as HIV/AIDS (resolution 2002/32, para. 11).

11. *Civil and political rights, including the questions of:*

(a) Torture and detention;

(b) Disappearances and summary executions;

(c) Freedom of expression;

(d) Independence of the judiciary, administration of justice, impunity;

(e) Religious intolerance;

(f) States of emergency;

(*g*) *Conscientious objection to military service.*

Legislative authority: Commission resolutions 2001/41, 2002/34, 2002/35, 2002/36, 2002/37, 2002/38, 2002/39, 2002/40, 2002/41, 2002/42, 2002/43, 2002/44, 2002/45, 2002/46, 2002/48 and 2002/50.

Documentation:

(*a*) Report of the Office of the United Nations High Commissioner for Human Rights on the conclusions of the expert seminar toexamine the interdependence between democracy and human rights (resolution 2001/41, para. 10);

(*b*) Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (resolution 2002/36, para. 16 (*a*));

(*c*) Report of the Special Rapporteur on the independence of judges and lawyers (resolutions 2002/37, para. 9 and 2002/43, para. 9);

(*d*) Report of the Special Rapporteur on the question of torture (resolution 2002/38, paras. 13 and 31);

(*e*) Annual report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 2002/38, para. 23);

(*f*) Annual report of the Secretary-General on the operations of the United Nations Voluntary Fund for Victims of Torture (resolution 2002/38, para.36);

(*g*) Report of the United Nations High Commissioner for Human Rights on the main trends and governmental policies regarding the incompatibility between democracy and racism (resolution 2002/39, para. 10);

(*h*) Report of the Special Rapporteur on freedom of religion or belief (resolution 2002/40, para. 17);

(*i*) Report of the Working Group on Enforced or Involuntary Disappearances (resolution 2002/41, para. 10);

(*j*) Report of the Working Group on Arbitrary Detention (resolution2002/42, para. 10);

(k) Report of the United Nations High Commissioner for Human Rights on the final outcome of the consultative meeting on the "Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law" (resolution 2002/44, para. 4);

(l) Report of the Office of the United Nations High Commissioner for Human Rights on conscientious objection to military service (resolution 2002/45, para. 2);

(m) Report of the Office of the United Nations High Commissioner for Human Rights on further measures to promote and consolidate democracy (resolution 2002/46, para. 11);

(n) Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (resolution 2002/48, para. 25).

12. *Integration of the human rights of women and a gender perspective:*

(a) *Violence against women.*

Legislative authority: Commission resolutions 1997/44, 2002/49, 2002/50, 2002/51 and 2002/52.

Documentation:

(a) Report of the Special Rapporteur on violence against women, its causes and consequences (resolution 1997/44, para. 14);

(b) Joint work plan of the Division for the Advancement of Women and the Office of the United Nations High Commissioner for Human Rights (resolution 2002/50, para. 11);

(c) Report of the Secretary-General on the implementation of resolution 2002/50 on integrating the human rights of women throughout the United Nations system (para. 34);

(d) Update on the report of the Secretary-General on activities of United Nations bodies and other international organizations pertaining to the problem of trafficking in women and girls (resolution 2002/51, para. 21).

13. *Rights of the child.*

Legislative authority: General Assembly resolution 51/77; Commission resolutions 1993/79, 2002/50, 2002/53 and 2002/92.

Documentation:

(*a*) Annual report of the Special Representative of the SecretaryGeneral on Children and Armed Conflict (General Assembly resolution 51/77, para. 37);

(*b*) Report of the Sub-Commission on the Promotion and Protection of Human Rights on the state of implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour (resolution 1993/79, para. 8);

(*c*) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography (resolution 2002/92, para. 33);

(*d*) Report of the Secretary-General (resolution 2002/92, para. 43 (*a*)).

14. *Specific groups and individuals:*

(a) Migrant workers;

(b) Minorities;

(c) Mass exoduses and displaced persons;

(d) Other vulnerable groups and individuals.

Legislative authority: Commission resolutions 2000/55, 2001/51, 2002/50, 2002/54, 2002/56, 2002/57, 2002/59, 2002/61 and 2002/62.

Documentation:

(*a*) Report of the United Nations HighCommissioner for Human Rights on the implementation of resolution 2000/55 on human rights and mass exoduses (para. 15);

(*b*) Progress report of the Secretary-General on the implementation of resolution 2001/51 on the protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) (para. 14);

(*c*) Report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (resolution 2002/54, para. 9);

(*d*) Report of the Representative of the Secretary-General on internally displaced persons (resolution 2002/56, para. 25);

(*e*) Report of the United Nations High Commissioner for Human Rights containing an analysis of the information already provided in the reports of existing special procedures, human rights treaty monitoring bodies and the Working Group on Minorities on situations involving national or ethnic, religious and linguistic minorities (resolution 2002/57, para. 16);

(*f*) Report of the Secretary-General on the implementation of resolution 2002/57 on the rights of persons belonging to national or ethnic, religious and linguistic minorities (paras. 17 and 18);

(*g*) Report of the Special Rapporteur on thehuman rights of migrants (resolutions 2002/59, para. 11, and 2002/62, para. 21);

(*h*) Report of the Office of the United Nations High Commissioner for Human Rights on progress in the implementation of the recommendations contained in the Study on the HumanRights of Persons with Disabilities presented at the fifty-eighth session of the Commission on Human Rights and on the programme of work of the Office in relation to the human rights of persons with disabilities (resolution 2002/61, para. 18).

15. *Indigenous issues.*

Legislative authority: Commission resolutions 2002/50, 2002/63, 2002/64 and 2002/65.

Documentation:

(*a*) Updated annual report of the United Nations High Commissioner for Human Rights on the International Decade of the World's Indigenous People (resolution 2002/63, para. 12);

(*b*) Report of the United Nations High Commissioner for Human Rights (resolution 2002/63, para. 22);

(*c*) Progress report of the working group on a draft United Nations declaration on the rights of indigenous peoples (resolution 2002/64, para. 8);

(*d*) Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (resolution 2002/65, para. 14).

16. ***Report of the Sub-Commission on the Promotion and Protection of Human Rights:***

(a) ***Report and draft decisions;***

(b) ***Election of members.***

Legislative authority: Commission resolutions 2002/50 and 2002/66.

Documentation:

(a) **Report of the Sub-Commission on its fifty-fourth session;**

(b) **Report of the Office of the United Nations High Commissioner for Human Rights on possible ways and means of addressing the issues raised by the Sub-Commission and of improving the Commission's action on proposals of the Sub-Commission (resolution 2002/66, para. 7);**

(c) **Report of the Chairperson of the fifty-fourth session of the Sub-Commission (resolution 2002/66, para. 15).**

17. ***Promotion and protection of human rights:***

(a) ***Status of the International Covenants on Human Rights;***

(b) ***Human rights defenders;***

(c) ***Information and education;***

(d) ***Science and the environment.***

Legislative authority: Commission resolutions 2000/61, 2001/63, 2001/66, 2001/71, 2002/50, 2002/70, 2002/71, 2002/72, 2002/74, 2002/75, 2002/76, 2002/77, 2002/78, 2002/79, 2002/86 and decisions 2001/115 and 2002/110.

Documentation:

(a) **Annual report of the Special Representative of the SecretaryGeneral on human rights defenders (resolution 2000/61, para. 6);**

(b) **Report of the Secretary-General on public information activities, with special emphasis on activities relating to the World Public Information Campaign on Human Rights and to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and its follow-up (resolution 2001/63, para. 19);**

(*c*) Report of the Secretary-General on human rights and bioethics (resolution 2001/71, para. 9);

(*d*) Study of the Office of the United Nations High Commissioner for Human Rights on the follow-up to the United Nations Decade for Human Rights Education (resolution 2002/74, para. 17);

(*e*) Report of the United Nations High Commissioner for Human Rights on the implementation of resolution 2002/74 on the United Nations Decade for Human Rights Education (para. 18);

(*f*) Report of the United Nations High Commissioner for Human Rights on the outcomes of the seminar on the issue of practical approaches and activities that have been effective in strengthening good governance for the promotion of human rights (resolution 2002/76, para. 5);

(*g*) Yearly supplement on changes in law and practice concerning the deah penalty worldwide to the Secretary-General's quinquennial report on capital punishment (resolution 2002/77, para. 8);

(*h*) Report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations (resolution 2002/78, para. 27);

(*i*) Report of the Secretary-General on the issue of impunity (resolution 2002/79, para. 15);

(*j*) Final report by an expert of the Sub-Commission on the Promotion and Protection of Human Rights on the issue of human rights and human responsibilities (decisions 2001/115 and 2002/110).

18. *Effective functioning of human rights mechanisms:*

(*a*) *Treaty bodies;*

(*b*) *National institutions and regional arrangements;*

(*c*) *Adaptation and strengthening of the United Nations machinery for human rights.*

Legislative authority: Commission resolutions 2001/79, 2002/50, 2002/80, 2002/82, 2002/83 and 2002/84.

Documentation:

(*a*) Report of the Secretary-General on the state of regional arrangements for the promotion and protection of human rights (resolution 2001/79, para. 17);

(*b*) Comprehensive report of the UnitedNations High Commissioner for Human Rights on the implementation of resolution 2002/80 on the composition of the staff of the Office of the United Nations High Commissioner for Human Rights (para. 15);

(*c*) Report of the Secretary-General containing the conclusions of the eleventh Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region and information on the progress achieved in the implementation of resolution 2002/82 (para. 20);

(*d*) Report of the Secretary-General on the implementation of resolution 2002/83 on national institutions for the promotion and protection of human rights (para. 18);

(*e*) Report of the Secretary-General containing conclusions and recommendations of special procedures (resolution 2002/84, para. 11 (*a*)).

19. *Advisory services and technical cooperation in the field of human rights.*

Legislative authority: Commission resolutions 2002/88 and 2002/89 and Chairperson's statement of 26 April 2002.

Documentation:

(*a*) Report of the independent expert on the situation of human rights in Somalia (resolution 2002/88, para. 14 (*a*));

(*b*) Report of the Special Representative of the Secretary-General on the situation of human rights in Cambodia (resolution 2002/89);

(*c*) Report of the Secretary-General on the situation of human rights in Cambodia (resolution 2002/89, para. 25);

(*d*) Report of the independent expert on the situation of human rights in Haiti (statement agreed on by consensus by the Commission, made by the Chairperson on 26 April 2002).

20. *Rationalization of the work of the Commission.*

Legislative authority: Commission decisions 2000/109 and 2002/113.

21. *Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action.*

Legislative authority: Commission resolutions 2002/50 and 2002/68.

22. (a) *Draft provisional agenda for the sixtieth session of the Commission;*

(b) *Report to the Economic and Social Council on the fiftyninth session of the Commission.*

Legislative authority: Economic and Social Council resolution 1894 (LVII); rule 38 of the rules of procedure of the functional commissions of the Council.

Documentation:

Note by the Secretary-General containing the draft provisional agenda for the sixtieth session of the Commission, togetherwith information concerning documentation relating thereto.

(b) Report of the Commission to the Economic and Social Council on its fiftyeighth session

611. At its 58th meeting, on 26 April 2002, the Commission considered the draft report on the work of its fifty-eighth session. The draft report, as contained in documents E/CN.4/2002/L.10 and Add.1-17 and E/CN.4/2002/L.11 and Add.-8, was adopted *ad referendum*, and the Commission decided to entrust the Rapporteur with its finalization.
